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PREFACE

In Volume XIV, the first of a new series, the Faculty of Archaeology, History and Letters of the British School at Rome has decided to return to the small format of the *Papers*, in the belief that this is more convenient for general use. It hopes to ensure that in future a volume shall appear every year, and that, drawing on a wider circle of contributors, the *Papers* shall deal with a greater variety of subjects, historical as well as archaeological and artistic. The Faculty also contemplates issuing, from time to time, supplementary *Papers* in the larger format, when architectural drawings, for which it was originally adopted, call for publication.

C. A. RALEGH RADFORD

Director

Rome, June 1938

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I. Caesar's Policy and Intentions

The central and revolutionary period of Roman history runs from the tribunate of Tiberius Gracchus to Augustus' seizure of sole power and establishment of a constitutional monarchy. Caesar's heir prevailed through the name of Caesar—'puer qui omnia nomini debes'; and he perpetuated the name, as title, cult and system, to distant ages. Yet Augustus as Princeps did not invoke Caesar's rule to provide precedent and validity for his own. Quite the reverse. What rank and rôle in the transformation of the Roman State should therefore be assigned to the Dictatorship of Caesar—mere episode or cardinal moment and organic part?

The problem is large, the debate continuous and acute.[1] During the last generation, opinions about Caesar's imperial policy and the shape which he intended to give to the Roman State have ranged to the widest extremes, roping in for parallel or contrast the figures of Sulla, Pompeius and Augustus. Eduard Meyer's contribution was impressive—even dominant for a time.[2] He regarded Caesar as the heir to the world-empire of Alexander: it was Caesar's design to establish a 'Hellenistic monarchy,' depress Rome, elevate the provinces and rule by right divine, king in name and title, as well as in fact, of all the world. The Caesar of Carcopino's swift and splendid narrative stands in the same line, more Mommsenian perhaps and more Roman, but hardly less absolutist and theocratic.[3]

But the other side has not lacked advocates, especially among English scholars. The caution of Pelham and of Rice Holmes induced them to reasoned doubt and suspension of judgement; and Rostovtzeff was firmly

[1] About the whole question there must now be consulted Gagé's valuable paper: 'De César à Auguste: où en est le problème des origines du principat,' *Rev. hist.* clxxvii, 1936, 279 ff. It is not only a *compte-rendu*, but an original contribution.

[2] 'Kaiser Augustus,' *Hist. Zeitschr.* xci, 1903, 385 ff. = *Kl. Schr.* (1910), 443 ff.; *Caesars Monarchie u. das Principat des Pompejus* (1919; ed. 3, 1922).

[3] 'La royauté de César,' *Points de vue sur l'impérialisme romain* (1934), 89 ff.; *Histoire romaine* (1936), ii, *César*.

sceptical about 'Caesar's monarchy.'[4] More recently, Adcock has made the most thorough-going attempt to refute the theories of Meyer: Caesar's position 'was no more royal than it was divine.'[5]

When the exegetes are at variance, the books must themselves be ambiguous and Sibylline. Most of the evidence about the acts and policy of Caesar the Dictator is either hostile or posthumous: statements of alleged intention are removed for ever from proof or disproof. Caesar's purpose to have himself proclaimed king stands on no firmer testimony than his rumoured design to transfer the capital of the Empire from Rome to Alexandria or to Ilium.[6] The enemies of the Dictator were assiduous both in the fabrication of rumours and in the engineering of 'incidents.' Again, Caesar may well have said that Sulla was a fool to resign the Dictatorship: a reasonable opinion—but we have only the word of T. Ampius Balbus, a notorious and fanatical Pompeian.[7] But open and avowed Pompeians are clearly not the most insidious enemies. Caesar's heir acquired for himself the name, the halo and the partisans of Caesar. After exploiting the Caesarian cause in his revolutionary period, Augustus politically suppressed the memory and person of Caesar, or revived it only to point the contrast between *Dictator* and *Princeps*. Livy was not the only 'Pompeian' in the Principate of Augustus. What Virgil and Horace say—or rather, what they do not say—about Caesar the Dictator is also a reflection of official history.

The worst is yet to come. As a man and as a statesman, Caesar is a tremendous and dominating figure. Hence a double danger for history. In the first place, if history be regarded as the record of great men (to the neglect of their allies, associates and partisans), they may easily become types, as so often in Greek historical biography, mere lay-figures, harmonious and complete in shape and member. Artistic and logical consistence extends from characters to policy, act and system. Thus did Eduard Meyer set out avowedly to depict Caesar's monarchic rule as the counterpart to the Principate of Augustus.[8] His conception derived from a false and schematic contrast between two men and two systems, which he enhanced as he developed his thesis by producing an additional foil to Caesar—namely Pompeius and the 'Principate of Pompeius.'

[4] Pelham, *Essays on Roman History* (1911), 25 ff.; Rice Holmes, *The Roman Republic* (1923) iii, 336; Rostovtzeff, *Soc. and Ec. History of the Roman Empire* (1926), 28.

[5] *CAH* ix, 718 ff.

[6] Suetonius, *Divus Iulius* 79, 4, on which Meyer (*Caesars Monarchie*[3], 521) remarks, 'zweifellos durchaus zutreffend': it has been taken fairly seriously by Mommsen, *Reden u. Aufsätze*, 173 f., and Warde Fowler, *R. Essays and Interpretations*, 216 ff. (with ref. to Horace, *Odes* 3, 3, 37 ff.). There is no indication that Suetonius believed what he retails as rumour ('varia fama percrebruit').

[7] 'Nec minoris impotentiae voces propalam edebat, ut Titus Ampius scribit, *nihil esse rem publicam, appellationem modo sine corpore ac specie. Sullam nescisse litteras qui dictaturam deposuerit. debere homines consideratius iam loqui secum ac pro legibus habere quae dicat*' (Suetonius, *Divus Iulius* 77). Carcopino (*Points de vue*, 94) can hardly be right in assigning these utterances to Caesar's early years. Both content and context are against that. On the political sentiments of T. Ampius Balbus, *cf.* esp. Cicero, *Ad fam.* 6, 12, 3.

[8] *Caesars Monarchie*[3], vi (preface), 'die Monarchie Caesars darzustellen als Gegenbild zu dem Prinzipat des Augustus.'

Hence Pompeius emerges in startling relief as the precursor of Augustus. But Meyer's Republican Augustus is a highly dubious character, best given up altogether. To be sure, Augustus could claim Pompeius as a forerunner [9]—but better not. The parallel between his own rise to power, a period of history neither edifying nor 'constructive' in a constitutional sense, but palpably real and remembered, and the violent, illegal and treacherous career of the young Pompeius was too close to be comforting. Again, to invert Meyer's values, Caesar is closely akin to Pompeius as a political dynast, Augustus to Caesar as an absolutist ruler. It therefore becomes advisable to reassert the continuity between Caesar and Augustus [10]—which cannot be done if the Triumviral period is omitted.

Secondly, teleological and 'progressivist' theories of history may be responsible for the creation of a Caesar who is artistically convincing or ideally satisfying . . . but no more than that. Caesar may indeed, if it helps, be described as the heir of Alexander and forerunner of Caracallus in a united world of which Rome is only the capital, no longer the mistress, with Italy depressed to the level of the provinces. Caesar certainly has his place in the long process of which that is the logical end and development: so have Pompeius and Augustus. Caesar should be left in his own time and generation, neither praised for superhuman prescience of a distant future nor blamed for blind precipitance to snatch an unripe fruit. Nor, in his own generation, does it follow that Caesar saw the end from early youth, willed it and strove for it—namely, sole power undivided and the establishment of monarchy by right divine, succeeding where Sulla is deemed to have failed.

Given these hazards of evidence and conception, the task might appear hopeless, best abandoned. So Pelham many years ago, in revulsion from Meyer's theories when they were first adumbrated—'it is safer to resign ourselves to a frank confession that we have no satisfactory clue to Caesar's views for the future, even assuming that he had been able to form any.' [11] Certain difficulties arise from terminology, convenient words that are deplorably formal and abstract, such as 'Hellenistic Monarchy.' Again, 'divine honours' may lead to a confusion of thought.[12] In truth, they presuppose neither divinity nor royalty. 'Rex' and 'regnum' are traditional weapons of the Roman political vocabulary, applied to any exercise of exorbitant power. Caesar certainly behaved as a 'rex.' But Caesar no less than Augustus knew that the title of 'king' is not indispensable to monarchic rule.

Perhaps the formulation is defective. 'Non rex sed Caesar.' It may be

[9] *Cf.* J. Gagé, *Rev. hist.* clxxvii, 1936, 324, 336.
[10] *Cf.* J. Gagé, *ibid.*, 342; also M. A. Levi, *Riv. di fil.* lxiii, 1935, 404 (review of *CAH* x). Levi's excellent *Ottaviano Capoparte*, 1933, helps to bridge the gap.
[11] *Essays on Roman History*, 27.
[12] *Cf.* esp. Nock, *CAH* x, 489.

expedient to turn from the grandiose and alluring topic of Caesar's aims and intentions and examine with care the recorded acts of Caesar's Dictatorship: 'Dictator Caesar,' as Roman posterity termed him. The authentic testimony of his own sayings and writings is of paramount value. Wickert has acutely invoked the *Bellum Civile*.[13] In this work (which contains much more than military history) Caesar convicts his enemies of unconstitutional behaviour, demonstrates that the constitution cannot work—and presents his own apology for not restoring it. Further, Caesar's insistence upon 'clementia' is deliberate and revealing—he sets himself above all parties, like a monarch, treating his enemies as subjects whom it would be pointless and unprofitable to destroy. Wickert's arguments carry conviction—but even so do not bring the final proof that Caesar was bent on establishing despotism rather than some form of constitutional and 'Augustan' rule. Nor should they be taken to suggest any antithesis to Augustus.

Above all, Caesar's time was short. He assumed the title and powers of Dictator, loathed though they were from memories of Sulla, to preclude opposition, delay—and perhaps the veto. After a Civil War, the ordering of the Roman State could not but be arbitrary in act and unsatisfactory in result. After his three years' absence in the Balkans and the East, the situation might have altered. But speculation would be unprofitable. Certain of the acts of the Dictatorship, especially the increase in the number of magistrates and total of the Senate, demand renewed investigation. Bitterly unpopular with contemporaries, these measures have provided definite evidence in support of extreme views about Caesar's rule and future policy; and, though the fact has been ignored or disputed, they had a continuous and lasting effect upon the Roman State, being perpetuated for ten years (or more) under the Triumvirate, masked perhaps and retarded by Augustus but not abolished. The constitution never recovered.

II. Italians in the Senate

But this is not all. Under the Principate of Augustus, Italy emerges into history as a unit with common language, sentiments and institutions, not quite a nation in the modern sense (for the Roman People transcended the geographical bounds of Italy), but still something that may with convenience and propriety be termed a nation, if only to show how different Italy had been two generations earlier. The process of the unification of Italy was long and arduous. Some of the most effective agents were involuntary or unconscious. Such were Sulla and the Triumvirs, working through proscription, confiscation

[13] L. Wickert, 'Zu Caesars Reichspolitik,' *Klio* xxx, 1937, 232 ff.

and colonies. In so far as the transformation of Italy was not the work of time and slow impersonal influences, two measures, being matters of official policy and organization, may from time to time be attached to definite individuals and definite moments in history.

First, the extension and regularization of municipal institutions. This was the logical result of the liquidation of the Bellum Italicum and grant of the Roman franchise to all Italian communities. But even the nominal and formal uniting of Italy did not take effect all at once. The subject has recently been investigated in an original but over-schematic fashion by Rudolph, who makes startling claims for Caesar, by no means easy to substantiate.[14] The subject is large, and cannot be discussed here: on any account the rôle of Caesar in municipal legislation is evident and important.

Secondly, by composition and recruitment the Senate of Augustus is representative of Italy as a whole, not merely Latium with the Sabine country, Umbria, Etruria and Campania, but the 'Italia' that rose against Rome in 91 B.C., and the new Italy of the North, till recently a province in status. As with the linguistic and municipal unification of Italy, time and circumstance have worked undetected. Yet definite agents may be invoked. How much was due to Caesar the Dictator? Here, as so often in Roman history, both Cicero and Augustus stand in the way.

Cicero claimed to be the peculiar representative of the towns of Italy; he had many friends and wide influence among the 'homines municipales ac rusticani.' [15] It is not surprising that his adherents contrived to get votes of the local senates passed in order to bring pressure upon opinion at Rome and secure the orator's restoration from exile. Italy carried him back on her shoulders, so he boasted—and his enemies remembered.[16] Earlier than that, in the oration for P. Sulla, he had spoken in moving tones for 'tota Italia,' for the municipal men—and for himself, answering the personal attack of the patrician Manlius Torquatus who described him as a 'rex peregrinus.' Cicero enquires 'quam ob rem qui ex municipiis veniant peregrini tibi esse videantur?' [17] Further, if Cicero be a 'peregrinus,' what of the others 'qui iam ex tota Italia delecti tecum de honore ac de omni dignitate contendent?' [18] Cicero speaks of candidates for office as being chosen from the whole of Italy; and there were certainly masses of municipal men in the Senate of his time. None the less, some of the peoples of Italy, such as the Paeligni, perhaps also

[14] H. Rudolph, *Stadt u. Staat im römischen Italien* (1935): on his main thesis, *cf.* especially Sir H. Stuart Jones, *JRS* xxvi, 1936, 268 ff.; M. Cary, *ibid.*, xxvii, 1937, 48 ff.; R. Meiggs, *CR* 1935, 235 ff.

[15] *Comm. Pet.* 31. He did not need Quintus' advice here.

[16] 'Sallust,' *In Cic.* 4, 7; Macrobius 2, 3, 5 (a joke of Vatinius—'unde ergo tibi varices?').

[17] *Pro Sulla* 23. This important passage invalidates an argument of Rudolph, *Stadt u. Staat*, 158.

[18] *Pro Sulla* 24.

the Marsi and Marrucini, had not yet sent a senator to Rome. Now Cicero was indefatigable in deed as well as word to support the interests of his friends from the towns, in money matters and in law-suits. For example, he defended in the courts Caelius and Plancius, bankers' sons both; he may well have helped them in their official career. These men came from Tusculum and from Atina respectively.[19] But one cannot discover any body of municipal partisans (especially from those Italian peoples whose inclusion alone can justify the phrase 'tota Italia') who owed admission to the Senate to Cicero's patronage; still less can the *Fasti* show a 'novus homo' whom Cicero helped forward to the consulate. Cicero regarded himself as all the representation that Italy should require among the 'principes civitatis.' Nor will it be a convincing view that Cicero's own political speeches and tracts, though sagacious as well as eloquent, exercised any influence on the recruitment of the Senate during his life-time—or later.

Augustus is another matter. An active political and military leader in the period of the Revolution, he began with a small and undistinguished personal following in 44 B.C. (hardly any senators, still less *nobiles* or consulars), which in time captured the Caesarian party and enlisted most of the Republicans and Antonians, until no other party of consequence was left in the State. His earliest adherents had been Roman knights of municipal extraction like Salvidienus, Agrippa and Maecenas: loyal to his revolutionary origin, to his equestrian partisans and to the 'Italia' which he had done so much to create, Augustus as Princeps, while ostensibly restoring the Republic and reviving the *nobiles* of Rome as allies in his monarchic, dynastic and matrimonial policies, was careful to provide for continuous and easy recruitment of the Senate from the municipal aristocracy of Italy.

Augustus' acts and aims can be established in different ways. The Emperor Claudius when censor proposed to admit to the Senate certain notables of Gallia Comata. Looking about for precedents to commend this liberal policy, he appealed to the respectable authority of Augustus and Tiberius. It was their wish, he said, that the best men from the towns of Italy should have a seat in the Roman Senate.

> Sane novo m[ore] et divus Aug[ustus av]onc[ulus m]eus et patruus Ti. Caesar omnem florem ubique coloniarum ac municipiorum, bonorum scilicet virorum et locupletium, in hac curia esse voluit.[20]

[19] *Pro Plancio* 19 ff. (Atina). On the hypothesis that Caelius Rufus came from Tusculum, *cf.* Münzer, P-W, *s.v.* 'M. Caelius Rufus,' 1267. There was an important family of Caelii here (*CIL* xiv, 2624, 2627); and the consul of A.D. 17, C. Caelius Rufus, was aedile at Tusculum (*CIL* xiv, 2622).

[20] *ILS* 212, col. ii, *init.* For the interpretation, see especially H. M. Last, *JRS* xxii, 1932, 232 (review of

Excellent, unimpeachable testimony, so it might appear. An Emperor should have known what he was talking about—and so should his audience, the Senate. There are also facts.

Q. Varius Geminus, so his epitaph records, was the first man from all the Paelignians to become a senator at Rome.[21] To be sure, he owed that rare distinction to young Ovid's wilful abandonment of the senatorial career and surrender of the *latus clavus*. But the lack of Paelignian senators is remarkable enough—and should prompt enquiry about the representation in the Senate of other Italic peoples. There is no doubt that Augustus promoted many men from small towns and remote parts of Italy. The study of senatorial prosopography and of Italic nomenclature supplies palmary examples of dim persons with fantastic names, pre-eminent among them all Sex. Sotidius Strabo Libuscidius from Canusium.[22] Not Augustus only: when Tiberius returns to a share in the control of public affairs in A.D. 4, the result is seen in an accession to the consular *Fasti* of *novi homines*—which is in no way alien to Claudian tradition and to the character of Tiberius. It will suffice to mention two pairs of brothers, the Vibii from Larinum in Samnium, the Poppaei from Picenum; and Papius Mutilus, of a dynastic Samnite house.[23]

So far so good. The imperial orator asserts that the policy of Augustus (and of Tiberius) was an innovation—'sane novo more.' What is one to make of that? Were there, then, no representatives of Italy and the *municipia* in the Senate before Augustus? Surely there were. Cicero urged against the patrician Torquatus the presence of many municipal rivals for honours—'ex tota Italia delecti.'[24] Again, when rebutting Antonius' slurs upon the origin of his protégé, the young Octavianus, Cicero exclaims, 'Why, we all come from *municipia*!'[25] Rhetorical exaggeration, perhaps; but facts support the orator. On the other hand, Claudius' remarks are also rhetoric, though not such good rhetoric. The fragments of Claudius' speech are distinguished neither for relevance nor for veracity. The Emperor did not need to make out a good

Momigliano, *L'opera dell' imperatore Claudio*) and *JRS* xxiv, 1934, 59 f. (review of Carcopino, *Points de vue sur l'impérialisme romain*). As there emphasized, the primordial meaning of the phrase 'coloniae et municipia' is 'the towns of Italy' (but in antithesis, be it noted, not to the provinces, but to Rome): and though the phrase can be extended to cover communities in the provinces (*e.g. ILS* 214), the context in the *Oratio Claudi Caesaris* is against that. For the class of men referred to by Claudius, note the phrase 'equites et viri boni ac locupletes' used by Cicero's brother (*Comm. Pet.* 53).

[21] *ILS* 932.

[22] *ILS* 5925. Of the two family names which he bears, each is found only at Canusium: Sotidius, *CIL* ix, 349 and 397; Libuscidius, 338, 348, 387, 6186. See W. Schulze, *Zur Gesch. lateinischer Eigennamen*, 236 and 359, for the evidence about each name, separately impressive: if combined, the result is almost incredible.

[23] C. Vibius Postumus (*cos. suff.* A.D. 5) and A. Vibius Habitus (*cos. suff.* A.D. 7) certainly came from Larinum, *cf. CIL* ix, 730: earlier members of the family are mentioned in Cicero's speech for their fellow-townsman A. Cluentius Habitus, namely Sex. Vibius and C. Vibius Capax (*Pro Cluentio* 25 and 165). C. Poppaeus Sabinus and Q. Poppaeus Secundus, consul and consul suffect respectively in A.D. 9, presumably came from the small town of Interamna Praetuttianorum in Picenum (*cf. ILS* 5671 and 6562). Papius Mutilus is no doubt a descendant of the Samnite leader of the Bellum Italicum (*cf.* H. M. Last, *CAH* x, 455): but he is not a novel or unique phenomenon.

[24] *Pro Sulla* 24.

[25] *Philippic* 3, 15, 'videte quam despiciamur omnes qui sumus e municipiis, id est omnes plane: quotus enim quisque nostrum non est?'

case for his proposal. No sooner the speech delivered, a *senatus consultum* was passed, without discussion.

In the matter of imperial policy about senators from the provinces, that speech is by no means a safe guide. Claudius mentions by name not a single one of the excellent Narbonensians at that time present in the Roman Senate.[26] A different approach is therefore indicated—to find out first of all what senators there were of provincial origin and interpret the speech, like any other oratorical or governmental pronouncement, in the light of established facts. Likewise the 'novus mos' of Augustus.

Claudius alleges an innovation. But even if senators from the *municipia* had been rare and infrequent before (which is not proved), they must have become exceedingly common when Caesar added three hundred new members or more to that august assembly. Yet Claudius says nothing of Caesar's work in what survives of the speech. Caesar might have been mentioned just before, in the part now lost. But that is not likely: Claudius' phrase 'novo more divus Augustus' clearly denies to Caesar any part in the process and policy of admitting Italy to the Senate of Rome.

The deliberate omission of Caesar is both comprehensible and instructive. Caesar was not a useful precedent—indeed, officially, his Dictatorship did not exist, for it was not 'res publica constituta,' but merely an unhappy and not very long episode in an era of anarchy. The same conception appears in Tacitus. From the third consulate of Pompeius in 52 B.C. (or perhaps rather from the outbreak of the Civil War, for he is vague here) down to the sixth consulate of Augustus, he reckons a period of revolution—'exim continua per viginti annos discordia, non mos non ius.' [27]

Like the years of the Triumvirate, the Dictatorship might conveniently be blotted from official history in the interests of a government that sought to mask its authentic and unedifying origins by asserting continuity with the respectable and Republican past. On a partisan and arbitrary theory of constitutional law, the acts and transactions of twenty years of crowded history did not exist. But they had happened: the work of the Revolution was not undone—many of the principal agents of violence and illegality survived to pass with easy and superficial metamorphosis into the supporters and ministers of the 'Republic' of Augustus. Augustus is the heir of Caesar: but not that only. He is also the heir of Octavianus. But such formulations, in appearance personal and definite, are really abstract and delusive. Neither his revolutionary career

[26] Such as Cn. Domitius Afer, a consular, and Domitius Decidius, the father-in-law of Agricola, in high favour with the government to judge by his promotion, *ILS* 966: Claudius speaks only of Valerius Asiaticus—'dirum latronis nomen'—and his brother, the one dead, the other expelled, and the Roman knight L. Vestinus.

[27] Tacitus, *Ann.* 3, 28.

nor his constitutional rule is historically intelligible without the party he led, the party with whose mandate and support he prevailed and governed.

This is no place to develop that theme. But a cursory examination of the composition of the Senate during the Revolution may help to restore and vindicate the continuity of history.

III. The Size of the Roman Senate

Caesar the Dictator augmented the size of the Senate, in various ways, briefly as follows. In 49 B.C. he secured restitution for some at least of the victims of political justice, condemned under the third consulship of Pompeius;[28] and now or later other 'calamitosi homines,' among them senators expelled by the censors of 50 B.C., returned to public life. A large number of men acquired senatorial rank through standing for magistracies, often with dispensations—for this mode of entry was less invidious than direct adlection. Even Sulla submitted the list of his new senators to the approval of the People. The tribunate as well as the quaestorship was used to provide entry (as for Pollio, *tr. pl.* in 47 B.C.), a proceeding which had a popular and 'democratic' appearance.[29] Like Sulla, Caesar also increased the total of certain magistracies. How many quaestors were elected for the years 48–45 B.C. is not recorded. In 44 there were certainly forty;[30] and the same number were chosen in advance for 43.[31] This may have been intended for permanence: the tribunate was not touched (naturally enough), and only two aediles were added. These magistracies could not therefore have been made compulsory in a senatorial *cursus honorum*, which is not surprising. The number of praetors, however, was doubled, rising from ten to fourteen in 45 and to sixteen in 44 and 43;[32] and Cassius Dio clearly indicates sixteen as a regular and familiar figure.[33] Some change was long due here. Two consuls and eight praetors in the system of Sulla were designed to furnish the pro-magistrates to govern ten provinces. By the outbreak of the Civil War the total of provinces had increased to fourteen: Caesar was clearly budgeting for eighteen, in permanence.[34]

But these measures were not enough, if Caesar was to satisfy the aspirations of his partisans and create a strong and efficient Senate. In virtue of dictatorial

[28] Caesar, *BC* 3, 1, 4—note that Caesar (deliberately) mentions only the men condemned under the domination of Pompeius—'illis temporibus quibus in urbe praesidia legionum Pompeius habuerat.'

[29] And even under Augustus and as late as Claudius the tribunate can be used as a method of entry to the Senate for men who have not held the quaestorship (Dio 54, 30, 2; 56, 27, 1; 60, 11). Note also the inscriptions, *ILS* 916 and 945; *L'ann. ép.*, 1925, 85.

[30] Dio 43, 47, 2.

[31] Dio 43, 51, 3.

[32] Dio 42, 51, 3; 43, 47, 2; 49, 1; 51, 4.

[33] Dio 43, 49, 1.

[34] As shown by Mommsen, 'Die Zahl der r. Provinzen in Caesars Zeit,' *Ges. Schr.* iv, 169 ff.

powers he revised the roll of the Senate three times, in 47, 46 and 45, adding new members.[35] The proportion of his nominees who entered the Senate by this means cannot be discovered. There is only one definite statement about the size of Caesar's Senate—according to Cassius Dio nine hundred after the revision of 45 B.C.[36]

Three hundred is the conventional total of the Senate before Sulla: that number, or its multiples, turns up in the various and controversial accounts of the proposals of C. Gracchus and of Livius Drusus concerning jury-courts and senators. According to Appian, Sulla twice added three hundred members to the Senate, in 88 and in 81. His account has been disputed—the first addition is merely a doublet of the second or, though authentic and actually voted, it was never carried out.[37] The compromise does not really save much of Appian: why doubt that Sulla would have wished before departing to the East to strengthen the Senate by including certain of his equestrian partisans? It would take no time at all. Three hundred, however, a figure familiar in its rotundity, may be excessive. But this is not all. It will not do entirely to omit from calculation the adlections made by the censors of 86 B.C. under the domination of Cinna.[38] Hence, though Appian again records three hundred in 81 B.C., it is impossible to determine closely the number of new senators then created by Sulla. The wastage of the preceding decade had been considerable. Orosius and Eutropius reckon at two hundred the casualties of the Bellum Italicum and the Civil Wars.[39] To that should perhaps be added the natural deaths of ten years and expulsions by Sulla. Therefore, despite the additions in 88 and 86, he may have required as many as three hundred new senators in 81: hardly the five hundred which Carcopino postulates, as though the history of the Senate in the previous decade could be explained merely by subtracting two hundred casualties from the total of the pre-Sullan Senate.

However that may be, after Sulla six hundred is a reasonable total, automatically supplied by the twenty quaestors of the new ordinance. There appears to have been a definite total fixed by law—or rather perhaps by custom.[40] In the years 81–75 the tribunate, excluding its holders from higher office, was not much in competition among the more reputable or the more ambitious. Yet it is not certain that Sulla had repealed the *Plebiscitum Atinium*.[41] Therefore

[35] Dio 42, 51, 5; 43, 27, 2; 47, 3.

[36] Dio 43, 47, 3.

[37] Appian (*BC* 1, 59, 267; 100, 468), as interpreted by E. G. Hardy, 'The Number of the Sullan Senate,' *JRS* vi, 1906, 59 ff.; *cf.* H. M. Last, *CAH* ix, 209 (*cf.* 286) and O'Brien Moore, P-W, *s.v.* 'Senatus,' 686. Carcopino (*Histoire romaine*) omits the *lectio* of 88.

[38] P. Willems, *Le sénat de la république romaine* (1885), i, 403 ff.; H. Bennett, *Cinna and his Times*, Diss. Chicago (1923), 43 f. A *lectio* was certainly held in 86, *cf.* Cicero, *De domo sua* 84.

[39] Orosius 5, 22, 4; Eutropius 5, 9, 2; *cf.* H. Bennett, *op. cit.* 35.

[40] Dio 37, 46, 4.

[41] This may seem improbable, but is admitted by Lengle (P-W, *s.v.* 'Tribunus,' 2489). The *Plebiscitum Atinium* (Aulus Gellius 14, 8, 2) gave ex-tribunes a seat in the Senate. On the date of this important measure, *cf.* P. Willems, *Le sénat* i, 228 ff. (*c.* 119 B.C.?); J. Carcopino, *Histoire romaine*, 338 f. (103 B.C. ?).

certain individuals may have entered the Senate without having held the quaestorship. The practice is attested before Sulla [42]—and long afterwards. Members of this class were probably to be found amongst the senators expelled by the censors of 70 B.C. They removed no fewer than sixty-four persons, of whom seven are known by name.[43] Despite that purge, in 61 B.C. the censors, when completing their rolls and admitting—or rather retaining—all ex-magistrates, found that they had to exceed the legal total.[44] The Senate after Sulla in the seventies may also have been well above six hundred—perhaps nearer seven hundred; likewise the Senate at the outbreak of the Civil Wars. (See further below, pp. 16 f., on this topic.) One of the censors of 50 B.C., Ap. Claudius Pulcher, is said by Dio to have been very strict, expelling not merely all freedmen's sons, but also many quite respectable persons.[45] Only two names are known, however, Sallust and Ateius Capito, and that in a period rich in prosopographical information: there may be some exaggeration in the severity alleged.

Dio rates the Senate as augmented by Caesar in 45 B.C. at nine hundred. It is difficult, however, to estimate precisely how many new senators were added by the Dictator, for here again there are the casualties of the Civil Wars and natural deaths to be deducted—and deducted from an existing total which may well be as high as six hundred and fifty. Further, it is possible that Dio's basic figure was not nine hundred, but, once again, the familiar and almost traditional three hundred, added to an assumed six hundred. If so, the total of Caesar's Senate will be lower than nine hundred, perhaps only eight hundred. Either figure harmonizes with what is known of the Senate of the Triumviral period, when it had then risen to over a thousand—under a system compared with which the Dictatorship of Caesar was regarded as an age of gold.[46] Hence, to preserve distances, one might be tempted to adopt the lower figure for the more respectable Senate of Caesar. On the other hand, there are the many casualties—the proscriptions, Philippi and Perusia.

Let it then be taken that three or four hundred men entered the Senate under the Dictatorship, through magistracies or by adlection. Had the Republic endured, there would in any case have been about a hundred new senators in the period 48–44 B.C.—namely, the quaestors of each year. What manner and sort of men were the remainder?

[42] C. Norbanus was tribune before being quaestor, F. Münzer, 'C. Norbanus,' *Hermes* lxvii, 1932, 220 f.

[43] Livy, *Per.* 98; for the names, P. Willems, *Le sénat* i, 417 ff.

[44] Dio 37, 46, 4, ὑπὲρ τὸν ἀριθμόν.

[45] Dio 40, 63, 4, πάντας μὲν τοὺς ἐκ τῶν ἀπελευθέρων, συχνοὺς δὲ καὶ τῶν πάνυ γενναίων; Horace, *Sat.* 1, 6, 20 f.

[46] Dio 47, 15, 4, ὥστε χρυσὸν τὴν τοῦ Καίσαρος μοναρχίαν φανῆναι.

IV. Caesar's New Senators

About Caesar's partisans, old senators as well as new, the testimony of his enemies has been dominant. All too easy and convenient the antithesis between legitimate government and rebellious proconsul, between the party of all virtuous and patriotic citizens and the gang of adventurers, morally and (worse than that) socially reprehensible. As everybody knows, Caesar's adherents were a 'colluvies':[47] there were among them men who had actually been expelled from the Senate or condemned in the law-courts, thus forfeiting senatorial rank. Given the nature of justice at Rome in the last age of the Republic, indignation is out of place. The disgrace of men like Gabinius and Sallust is evidence not so much of crime and immorality as of the power of their enemies. The opponents of Caesar represented the party in power, namely the dynast Pompeius and a group of noble families (the Scipios, the Metelli, the Lentuli and the Marcelli) allied with the constitutionalist faction of Cato, which for long had striven against the domination of Pompeius, but which now saw a chance to assert the Republic by destroying Caesar as a lesson to his rival. The antithesis does not lie between senators and non-senators. Caesar's party, though in a sense anti-senatorial, possessed many members of high distinction, sons of noble families. Above all, the patricians. Münzer has drawn attention to the significance of Caesar's alliance with the Aemilii and the Servilii.[48] There were other patricians on his side. But this is not the place to investigate Caesar's senatorial following.

The reproach of ignoble and disgusting origin bears heavily upon Caesar's new senators.[49] The evidence is various, convergent and consistent, ranging from sober history to invective and lampoon. His nominees included soldiers, centurions, scribes, sons of freedmen and aliens newly enfranchised.[50] The consensus of antiquity has bemused the moderns. Not only have these charges been believed and repeated with hardly a word anywhere of caution or scepticism[51]—they have even been improved upon. Cicero had spoken of senators who had once been *haruspices*:[52] Dessau gravely states that there were agricultural labourers and gamblers (strange collocation) in Caesar's Senate.[53] Extreme and unwarranted opinions uttered about Sulla's Senate (there were com-

[47] Cicero, *Ad Att.* 9, 10, 7; *cf.* 9, 18, 2 (νέκυια).

[48] *Römische Adelsparteien u. Adelsfamilien* (1920), 347 ff., esp. 358.

[49] The most important is as follows: Dio 42, 51, 5; 43, 27, 2; 20, 2; 47, 3; 48, 22, 3; Suetonius, *Divus Iulius* 76, 3; 80, 2; Cicero, *Ad fam.* 6, 18, 1; *De div.* 2, 23; *De off.* 2, 29; *Phil.* 11, 12; 13, 27; Seneca, *Contr.* 7, 3, 9; Macrobius 2, 3, 11.

[50] The most definite description of their status comes from Dio (42, 51, 5), τοὺς δὲ ἱππέας τοῦ τέλους τούς τε ἑκατοντάρχους καὶ τοὺς ὑπομείονας; (43, 47, 3), μηδὲν διακρίνων μήτ' εἴ τις στρατιώτης μήτ' εἴ τις ἀπελευθέρου παῖς ἦν. Dio says nothing of provincials, a remarkable omission.

[51] L. Friedländer, *Sittengeschichte* 1^{10}, 107; E. Meyer, *Caesars Monarchie*[3], 463 f.; A. Stein, *Der. r. Ritterstand*, 208; J. Carcopino, *Histoire romaine*, 933; H. Dessau, *Gesch. der r. Kaiserzeit* i, 1924, 18; *cf.* 94. *Cf.*, however, Adcock, *CAH* ix, 729 f., a welcome exception.

[52] *Ad fam.* 6, 18, 1.

[53] *Gesch. der r. Kaiserzeit* i, 1924, 94, 'Landsknechte waren unter ihnen und Spieler.'

mon soldiers there too) should be a warning. More than that, an examination, however cursory, of the categories and vocabulary of Roman politics, with the repeated and ridiculous motive of obscure origin alleged against highly respectable Roman knights and municipal aristocrats, shows what it means—namely, lack of distinction in public life, that is to say, lack of senatorial rank. A page of Gelzer would almost suffice in lieu of discussion.[54]

About common soldiers, the less said the better. Neither soldiers nor centurions will have been promoted directly from the ranks to the Curia. Centurions were not all 'rustici atque agrestes';[55] if their family and origin were not already reputable enough for municipal honours, legionary service might enhance their fortune and status.[56] They would then often be in possession of the equestrian census, and therefore, having risen in social status, eligible for the jury-panels or for the *equestris militia*.[57] The equestrian officers of this period are an important and neglected part of social history. One of Sulla's ex-centurions is known to have entered the Senate by standing for the quaestorship—namely, the notorious L. Fufidius, 'honorum omnium dehonestamentum.'[58] Of the centurions with whom Caesar swamped the Senate, one at least is clearly attested, C. Fuficius Fango ;[59] another was perhaps L. Decidius Saxa, though he may have been an equestrian officer.[60]

A certain Cornelius, a scribe under the Dictatorship of Sulla, became *quaestor urbanus* under Caesar.[61] No outrage here—scribes might well be of equestrian standing: more than a century earlier an ex-scribe became praetor, governed a province and celebrated a triumph.[62] The scribe Cornelius, quaestor in 44 B.C., is sometimes taken for a freedman of Sulla—but this is unlikely, as his name is Q. Cornelius, not L. Cornelius. Like the soldiers and centurions of Sulla, the ten thousand slaves whom he liberated and endowed with his name exert a pervasive and baneful influence.

As for the sons of freedmen, no law in Rome barred them from the

[54] *Die Nobilität der r. Republik* (1912), 11.

[55] Cicero, *Phil.* 10, 22—perhaps a typical term for centurions.

[56] C. Fuficius Fango, or a member of his family, was an aedile at Acerrae (*CIL* x, 3758); and N. Granonius was quattuorvir at Luceria at some stage in his career, perhaps between two centurionates (*ILS* 2224).

[57] On the jury-panels, *cf.* Cicero, *Phil.* 1, 20. On ex-centurions passing into the *equestris militia*, note, under Augustus, T. Marius Siculus (Val. Max. 7, 8, 6 with *CIL* xi, 6058), *cf.* A. Stein, *Der r. Ritterstand*, 160 f., and on the whole question of centurions, R. Syme, *JRS* xxvii, 1937, 129; to which add, from the triumviral period, L. Firmius (*ILS* 2226). L. Septimius, the assassin of Pompeius, had been a centurion and is described by Caesar as 'tribunus militum' (*BC* 3, 104, 2)—but that was at Alexandria. The subject is large and important—and calls for more thorough investigation than can here be given.

[58] Sallust, *Hist.* 1, 55 Maur., *cf.* Orosius 5, 21, 3 ('primipilaris'); Plutarch, *Sulla* 31; *Sertorius* 12.

[59] Dio 48, 22, 3, ἔν τε γὰρ τῷ μισθοφορικῷ ἐστράτευτο. *Cf.* Cicero, *Ad Att.* 14, 10, 2.

[60] Cicero, *Phil.* 11, 12; 13, 27; 14, 10 etc. On Saxa, *cf.* R. Syme, 'Who was Decidius Saxa?' *JRS* xxvii, 1937, 128 ff. It is not certain whether Cafo (an ex-centurion never mentioned apart from Saxa) was also a senator, *JRS* xxvii, 135 f. Tebassus and Scaeva (Cicero, *Ad Att.* 14, 10, 2) were probably not, *JRS* xxvii, 128. Scaeva is merely a type of Caesarian centurion—in fact, *the* type (*BC* 3, 53).

[61] Cicero, *De off.* 2, 29 (without the name); *cf.* Sallust, *Hist.* 1, 55 Maur.: presumably the Q. Cornelius who was *quaestor urbanus* in 44 (Josephus, *AJ* 14, 219).

[62] M. Gelzer, *Die Nobilität der r. Republik*, 10. Cicereius, an ex-scribe, was praetor in 173 B.C. (Val. Max. 3, 5, 1; 4, 5, 3). The *Fasti triumphales* from Urbisaglia, *L'ann. ép.*, 1926, 121, also attest his origin.

magistracies. Their presence in the Senate was no novelty of the Empire, as many wrongly believed—the Emperor Claudius once had to remind his audience that it was also Republican practice.[63] Such intruders were not accorded a friendly welcome. One at least was among the victims of the purge of 70 B.C.—but he was treated gently.[64] Twenty years later Ap. Pulcher made a clean sweep. It is not surprising that this class of undesirable senator should turn up again in the Senate under Caesar, under Augustus,[65] and, more frequently no doubt but hardly in alarming preponderance, during the first century of the Empire.[66]

Less familiar to their Roman contemporaries than freedmen's sons, more exciting and momentous as an historical phenomenon are the provincials.[67] But the innovation should not be exaggerated. Every Roman citizen (except a freed slave) was eligible for magistracies. Despite the respectable authority of scholars like Zumpt and Mommsen, it is difficult to maintain that there was any such thing as a 'ius honorum.' Nor could there in law be any distinction between the Roman who inherited the franchise and the new citizen, between the colonial Roman and the Roman citizen of foreign extraction. A provincial senator even earlier than the Dictatorship of Caesar could cheerfully be admitted—the more so as a large part of Italy had only recently ceased to be foreign.[68]

From Spain Caesar brought in two men, the younger Balbus, 'non Hispaniensis natus sed Hispanus,'[69] of the dominant family in Gades, and the military man L. Decidius Saxa, termed a wild Celtiberian by Cicero, but probably, as the name indicates, of Italic and colonial stock;[70] and possibly a third senator, if it could be taken as certain that the father of the two young military tribunes, the Titii Hispani, came from Spain.[71]

[63] Tacitus, *Ann.* 11, 24, 'libertinorum filiis magistratus mandare non, ut plerique falluntur, repens, sed priori populo factitatum est.'

[64] Cicero, *Pro Cluentio* 132, 'negat hoc Lentulus; nam Popilium, quod erat libertini filius, in senatum non legit, locum quidem senatorium ludis et cetera ornamenta relinquit et eum omni ignominia liberat.'

[65] T. Annius Cimber, 'Lysidici filius.' (Cicero, *Phil.* 3, 14) may be one of Caesar's new senators. It is not certain when M. Maecius, suspect of servile extraction (Plutarch, *Cicero* 27), entered the Senate. A freedman's son C. Thoranius (? Toranius) is attested in the Senate in 25 B.C. (Dio 53, 27, 6).

[66] The Tacitean orator (*Ann.* 13, 27) exaggerates wildly when he says 'et plurimis equitum, plerisque senatoribus non aliunde originem trahi.'

[67] Suetonius 76, 3, *cf.* 80, 2. Neither Dio nor Cicero mentions this. Yet a strong hint in Cicero (*Ad fam.* 9, 15, 2) 'cum in urbem nostram est infusa peregrinitas, nunc vero etiam bracatis et Transalpinis nationibus.'

[68] A Spanish origin, from Sucro, was alleged against Q. Varius, *tr. pl.* 90 B.C., 'propter obscurum ius civitatis Hybrida cognominatus' (Val. Max. 8, 6, 4, *cf.* 3, 7, 8; Asconius, *In Scaur.* 20 (Clark, p. 22); Quintilian 5, 12, 10; *Auctor de viris illustribus* 72). Further, Verres' quaestor Q. Caecilius may have been of Sicilian origin (*Div. in Q. Caec.* 39; Pseudo-Asconius, p. 98, Or.=Stangl ii, 185). F. Münzer, P-W, *s.v.* 'Q. Caecilius Niger,' 1231, says 'ein Sicilier von Geburt'; *cf.* also Tenney Frank, 'On the Migration of Romans to Sicily,' *AJP* lvi, 1935, 61 ff.

[69] Velleius 2, 51, 3. Balbus was quaestor in 44 B.C. His uncle was elevated, it appears, not by Caesar, but by the Triumvirs, becoming consul in 40 B.C., *cf.* Pliny, *NH* 7, 136.

[70] *Cf. JRS* xxvii, 1937, 132. To the evidence about nomenclature there given add the proscribed Samnite Cn. Decidius (Cicero, *Pro Cluentio* 161; Tacitus, *Dial.* 21).

[71] *Bell. Afr.* 28, 2, 'duo Titii Hispani adulescentes, tribuni militum legionis V, quorum patrem Caesar in senatum legerat.' The *cognomen* 'Hispanus' is not certain evidence. In favour of Spanish origin, however, *cf.* now Münzer, P-W, *s.v.* 'Titius,' 1557.

Caesar's Gallic senators were an easy target for ridicule and lampoons assailing the national trouser and since perpetuated in sober history. It remains to track them down. Certainly they were not chieftains from Gallia Comata, the region recently conquered by Caesar, though the popular verse ran 'Caesar Gallos in triumphum duxit, idem in Curiam.' Excellent men from Gallia Cisalpina may even have been thus derided and traduced, for that land was still a province in status.[72] Narbonensis, however (or Gallia Bracata), is their proper home. Caesar's Narbonensians would demand a special chapter to themselves, which may be thought surprising, for the name of none of them happens to be known. But their class and type can be determined—not so much Roman colonists as native dynasts whose families had received the Roman citizenship from proconsuls a generation or two before. To this class belong Caesar's friend C. Valerius Procillus (or Troucillus), his secretary (Cn.?) Pompeius Trogus, Helvian and Vocontian respectively [73]—and probably C. Cornelius Gallus as well.[74] These men are the forerunners of the illustrious Narbonensians who emerge as consuls three generations later under Caligula, D. Valerius Asiaticus from Vienna and Cn. Domitius Afer from Nemausus; and after them the next attested consul is Pompeius Paullinus—all three, it will readily be presumed, of native extraction, recalling Roman proconsuls by their family names.[75]

Provincial or freedman stock and ex-centurions, these newcomers were negligible, a tiny fraction at the most. No doubt there were many dubious and unsatisfactory characters in Caesar's Senate, as will be expected of any government that follows a Civil War, as under Sulla and under Augustus: it demands a singular faith in human wickedness and folly to believe that all were like that. Caesar the Dictator was certainly high-handed in his methods; but it will not seriously be contended that he deliberately filled the Senate with the criminal, the ignoble and the incompetent in order to discredit utterly the governing class of imperial Rome.

It is stated by Cassius Dio that Caesar added to the Senate men lower in

[72] Compare Cicero on the maternal grandfather of L. Piso (interpreted in *JRS* xxvii, 130 f.). Caesar naturally championed men from the Transpadana. L. Hostilius Saserna (from Verona?) may be one of his new senators, *cf.* Münzer, P-W, *s.v.*, 2514. We have it only on the authority of the scholiast on Horace, *Sat.* 1, 3, 130, that P. Alfenus Varus (*cos. suff.* 39 B.C.) came from Cremona.

[73] *Cf. JRS* xxvii, 1937, 131. On the family of Procillus, see Caesar, *BG* 1, 19, 4; 47, 4 and 53, 5; 7, 65, 1; on the problem of his name, *cf.* T. Rice Holmes, *Caesar's Conquest of Gaul*[2], 652. For Trogus, Justin 43, 5, 11 f.

[74] On the hypothesis that his father Cn. Cornelius was a Gallic notable who received the franchise from a Cn. Cornelius Lentulus, either Clodianus (*cos.* 72) or Marcellinus (*cos.* 56), *cf.* R. Syme, 'The Origin of Cornelius Gallus,' *CQ* xxxii, 1938, 39ff.

[75] As Paullinus is described by Pliny as 'paterna gente pellitus' (*NH* 33, 143), an ancestor was probably a native dynast of Arelate or its vicinity who received the citizenship from Pompeius. Paullinus was suffect consul *c.* A.D. 54. The thesis about Narbonensian senators here adumbrated is strengthened by the presence of municipal aristocrats with names like 'L. Domitius Axiounus' and 'Pompeia Toutodivicis f(ilia)' on early inscriptions of Nemausus (*ILS* 6976 f.). Narbonensis was very much under the protection of the Domitii. They lost it to Pompeius, Pompeius to Caesar.

standing than Roman knights.[76] That is hard to believe: it may well be doubted whether any of his new senators (*ex hypothesi* the partisans of a generous politician), whatever their origin, were so badly off as to lack the equestrian census, no large sum of money or beyond the rational expectation of a successful centurion or one of the lesser *publicani*.

It requires no special pleading, no exaggerated scepticism, no act of faith to believe that Caesar's candidates and nominees belonged to the class of Roman knights—officers in the army, business men or country gentry, the flower of Italy.

A small dose of prosopography will be salutary. Indeed, the neglect of this prophylactic may be largely responsible for the prevalence of exaggerated opinions about the social status both of Caesar's senatorial partisans and of his new senators. Certain histories of the Caesarian period, while recording or even transcribing ancient scandal and ancient jests about these unfortunates, refrain from names altogether, or, if mentioning individuals, give a few only and the most scandalous, as though typical. Thus Meyer names only Decidius Saxa and a certain C. Curtius, an impoverished person from Volaterrae.[77] Carcopino is more generous, though not from benevolence to Caesar and Caesar's men:[78] yet even Carcopino provides only the three Spaniards, Balbus, Saxa and Titius, and two other characters: C. Fuficius Fango, whom he describes as a 'common soldier' (Fango can have been that no longer when quitting the army), and P. Ventidius, 'ancien muletier' (of which more later).

Now, it is quite impossible to establish accurately the names of even a half of Caesar's senate. Even before the outbreak of the Civil War, with abundant evidence and fewer disturbing causes, only about two-thirds of the senators are known by name. Willems drew up the list of the Senate of 55 B.C., establishing just over four hundred names, which happens to coincide very closely with the largest totals of senators recorded as present in the Curia in that period.[79] But over two hundred names are lost beyond recall. Ribbeck emulated Willems for the year 44 B.C.[80] He was able to present just under three hundred attested names. Going further, through various descending categories of probability, including senators attested as alive in 51–45 B.C., and certain characters active shortly after 44 B.C., who may, or may not, have been of senatorial rank, he was able to go as high as the number four hundred and seventy-five. Even if

[76] Dio 42, 51, 5, τοὺς ὑπομείονας; compare also 52, 42, 1 (on the state of the Senate in 27 B.C. after the Civil Wars) πολλοὶ μὲν γὰρ ἱππεῖς, πολλοὶ δὲ καὶ πεζοὶ παρὰ τὴν ἀξίαν ἐκ τῶν ἐμφυλίων πολέμων ἐβούλευον.

[77] *Caesars Monarchie*[3], 463 f.

[78] *Histoire romaine*, 933.

[79] *Le sénat* i, 427 ff. In 61 B.C., excluding magistrates, about 417 (Cicero, *Ad Att.* 1, 14, 5); likewise in 57 B.C., 415 (Cicero, *Post red. in senatu* 26); in 49 B.C., 392 (Appian, *BC* 2, 30, 119).

[80] P. Ribbeck, *Senatus Romanus qui fuerit Idibus Martiis anni A.U.C.* 710, Diss. Berlin, 1899.

Ribbeck's figures were accepted one and all, there would still be some four hundred unknown and anonymous Caesarian senators. Ribbeck's work is neither complete nor impeccable: but it will serve for rough approximations.

Exact statistics are excluded; and there are many uncertainties of detail. Thus Willems, who discusses the *lectio senatus* of 50 B.C., includes among the senators before the outbreak of the Civil War, on an estimate of the length of their careers, certain men who may well have been first admitted to stand for honours by the Dictator—for example three of the praetors of 44 B.C. (namely, C. Turranius, M. Vehilius and M. Cusinius).[81] Again, Ribbeck notes as indubitable Caesarian senators certain characters like the mysterious M. Lurius, who does not turn up till 40 B.C., and C. Volusenus Quadratus, who may never have been a senator at all.[82] On the other hand, given the anonymous two hundred and more before the outbreak of the Civil War, certain individuals lacking record until the Dictatorship or the Triumviral period may have been in the Senate all the time, discreet and unobtrusive. Thus L. Vinicius from Cales, consul suffect in 33 B.C.—apparently the same person as the tribune of the plebs in 51 B.C., but never heard of since then.[83] Nor will it be forgotten that some of Caesar's partisans, such as Pollio, would perhaps have won a seat in the Senate if the Republic—that is to say, the domination of Pompeius—had not been superseded by the Dictatorship of Caesar.

These hazards must be reckoned with. Failing completeness, it may be useful to call up certain representative names of Roman knights who supported Caesar. The financial interests were heavily on his side, as is convincingly demonstrated by the complaints, alike of the Pompeians and of the more revolutionary of Caesar's own partisans. Cicero and Caelius have left the record of their opinions. Among Caesar's associates and intimates were to be found personages like Balbus the millionaire from Gades and, seldom separated from Balbus, the familiar Oppius (probably a member of a banking family). These men were not introduced into the Senate by Caesar—they were more useful outside. But other financiers coveted standing and repute as well as wealth and influence. L. Aelius Lamia, an old friend of Cicero, whose cause he had championed, now entered the Senate. Lamia is described as 'equestris ordinis princeps.'[84] The same term is applied to C. Curtius, the 'fortissimus et maximus publicanus':[85] his son, C. Rabirius Postumus, the prince and paragon of all the bankers, heir to the virtues and to the wealth of his parent,

[81] Willems, *Le sénat* i, 565 ff. These are very obscure personages, the first senators known of their families.

[82] M. Lurius, an admiral serving for Octavianus in Sardinia in 40 B.C. (Dio 48, 30, 7) and commanding the right wing at Actium (Velleius 2, 85, 1), is otherwise unknown. C. Volusenus, Caesar's experienced equestrian officer (*BG* 3, 5, 2 etc.; *BC* 3, 60, 4) certainly deserved senatorial rank. There is no evidence that he received it.

[83] Cicero, *Ad fam.* 8, 8, 6.

[84] Cicero, *Ad fam.* 11, 16, 2. He became aedile in 45 B.C. (*Ad Att.* 13, 45, 1).

[85] Cicero, *Pro C. Rabirio Postumo* 3.

was an ardent Caesarian, and became a senator, even hoping for the consulate.[86] These men belonged to the class whose interests Cicero had never failed to support, whose virtue and patriotism he never tired in acclaiming. Let the panegyrics which Cicero lavished on Roman knights be admitted as well as the sneers and vilification of the obscure origin of Caesar's senators. There is not much to choose between them for veracity.

With Lamia and Rabirius in the Senate, 'concordia ordinum' was carried a stage further than Cicero intended when he advocated that respectable ideal. What of 'tota Italia'?

V. *Tota Italia*

Mommsen, in no way disposed to depreciate the rôle of Caesar as a national Italian statesman, none the less seems to under-estimate the influence and the adherents he could command in Italy. 'In Italy proper, on the other hand, the influence of Caesar was not even remotely to be compared to that of his opponents . . . the mass of the burgesses naturally . . . beheld . . . in Cato and Pompeius the defenders of the legitimate Republic, in Caesar the democratic usurper.'[87] Meyer goes further, and states that Caesar was not popular in Italy.[88] No evidence is adduced in support of this opinion: it is refuted by the course of events.

The middle class in Italy was naturally averse from war; the solid virtues so often commended by Cicero now crumble and rot before his eyes, turning into crass materialism.[89] Not only apathy, but distrust. What sort of champion of the constitution was Pompeius? and what was the constitution? Though Caesar by invading Italy was technically the 'aggressor,' many honest and non-political men, quite unable to disentangle the 'Rechtsfrage' between Caesar and the Senate—and not regarding it as very relevant—saw in the action of the government at Rome nothing more than a fraudulent and violent attempt of the oligarchy to entrap and destroy the proconsul who had conquered the Gauls—'tantis rebus gestis,' as they said at Auximum, if we are to believe Caesar.[90] Pompeius had boasted that he needed but to stamp with his foot in Italy: he knew better in his heart. His decision to abandon Italy, concealed for a time and most disconcerting to many of his senatorial followers, was a rational calculation—he could not hold Italy. Likewise Caesar's invasion,

[86] *Ad Att.* 13, 49, 2. The identity of C. Rabirius Postumus and the Caesarian Curtius has been argued (and I think proved, despite the doubts of Vonder Mühll, P-W, *s.v.* 'C. Rabirius Postumus,' 25 ff.) by Dessau, *Hermes* xlvi, 1911, 613 ff.

[87] *The History of Rome* (E. T. 1901), v, 200.

[88] *Caesars Monarchie*[3], 347, 'bei der römischen Nation dagegen, in dem gesunden Teil der Bevölkerung Italiens, konnte Caesar im Kampf gegen die Republik kaum irgendwo auf Sympathien hoffen.'

[89] *Ad Att.* 8, 13, 2, 'nihil prorsus aliud curant nisi agros, nisi villulas, nisi nummulos suos': *ibid.*, 7, 7, 5; 8, 16, 1.

[90] *BC* 1, 13, 1: for 'tantis rebus gestis,' *cf.* Suetonius, *Divus Iulius* 30, 4.

five cohorts against the world, was not as rash as it appeared: it was political strategy.

But in certain regions of Italy, precisely where lay Caesar's line of invasion, Rome and the 'legitimate government of Cato and Pompeius' were regarded, not merely with distrust, but even with distaste. In Picenum, Cingulum fell, though owing benefits to Labienus;[91] Auximum, which honoured Pompeius as its patron,[92] welcomed the proconsul of Gaul. At Sulmo of the Paeligni the townsfolk streamed forth to greet Caesar's man, M. Antonius. To be sure, we have Caesar's account of this; and Caesar was skilled at presenting his own case in the narrative of the Civil War. But it all seems very reasonable. The contrary would surprise.

The peoples of central Italy from Picenum through the Apennine lands down to Samnium and Lucania rose in arms against Rome in 91 B.C., for liberty and justice. Crushed or submitting, they were by no means satisfied, still less reconciled. They had not been fighting for the Roman franchise; and the *Lex Plautia Papiria* may perhaps be regarded not so much as a measure to satisfy legitimate aspirations as the offer of a guaranteed amnesty to weaken the insurgents. Alternately encouraged and thwarted by Roman politicians in the previous generation, the Italians were to be cheated further; for it was not intended that their votes should have any effect in Rome. In the end, at the cost of a civil war, the Italians were distributed honestly over all the tribes; but even by 70 B.C. many, it is clear, had not cared to register at all—the roll of that year shows only nine hundred thousand citizens.[93] But not among the Italici only burned resentment at damage and defeat. Etruria and Umbria had been strong for the cause of Marius. They were mercilessly punished by Sulla. Volaterrae and Arretium did not forget. Now Caesar never forswore his Marian traditions and connections, but took every opportunity to recall, revive and exploit them, eulogising Marius, replacing his trophies and championing the sons of the proscribed. It is not always clear what meaning and content should attach to the term 'Popularis'; but the adherents of that party, if such it can be called, followed Caesar when Pompeius deserted it, returning to his Sullan connections. Caesar kept faith and never dropped an ally. Three examples—Vatinius, Gabinius and a certain Sulpicius Rufus are found on his side.[94]

It may therefore be held not merely as plausible but certain that Caesar

[91] *BC* 1, 15: for the Picene origin of Labienus, *cf.* Cicero, *Pro C. Rabirio perduellionis reo* 22; Silius Italicus, *Punica* 10, 32.

[92] *ILS* 877.

[93] Livy, *Per.* 98. Some have been shocked by this low figure. It is quite credible, as Tenney Frank shows, 'Roman Census Statistics from 225 to 28 B.C.,' *CP* xix, 1924, 333 f.

[94] P. Sulpicius was married to a Iulia (Val. Max. 6, 7, 3, *cf.* Münzer, P-W, *s.v.* 'Iulia' (n. 544), 893). One would be tempted to conjecture a relationship with the democratic tribune of 88 B.C.

had a great following in Italy. At his coming all the enemies of Sulla and Pompeius, all the victims of Roman domination took heart again. In Picenum the Pompeii had great estates and influence—hence many enemies, mindful of Pompeius' father, Pompeius Strabo, a brutal and treacherous character, and the violent beginnings of his own career. Nor did Pompeius improve matters by threatened appeal to Sullan precedents—'Sulla potuit, ego non potero?' Caesar's clemency by contrast was insidious and effective; and Italy was averse from war. But in addition to Italian apathy, one may surely assume in many regions active hostility to Rome, nourished on the memories of the Bellum Italicum, the sufferings of Etruria and the desolation of Samnium.

The extension of the Roman franchise after the Bellum Italicum had no immediate effects. Nor will everybody say of Sulla, constructive statesman though he was, that 'de l'Italie, ''expression géographique,'' il suscita la réalité d'une patrie.'[95] That passionate identity of interest and sentiment which we call a nation was of slow birth in Italy. One cannot but suspect that it has sometimes been dated much too early by modern scholars, with the result that the profound difference between Italy in Cicero's day and the Italy of Augustus has been obscured.[96] Cicero's reiteration of 'tota Italia' is a deception. Old feuds and old loyalties were not forgotten. An integral national patriotism did not emerge until the War of Actium, or perhaps after that affair, created by the menace (real or imagined) of a foreign enemy, the propaganda of Octavianus and the national policy of Augustus; for his Principate transformed into a reality what in 32 B.C. had been in large measure fraud and violence, the sworn and sacred union of 'tota Italia.'

It remains to look about for Caesar's allies among the Italici, peoples at war with Rome only forty years before. For demonstration, it will not be necessary to investigate and tabulate by origin and domicile all the members, real or supposed, of Caesar's Senate; and it would demand undue space, detail and controversy to trace here the subsequent history of all the families that provided the insurgent leaders of the Bellum Italicum.[97] Three significant figures will suffice for illustration.

Herius Asinius, 'praetor Marrucinorum,' fought and fell in the cause of Italia.[98] His grandson, C. Asinius Pollio, a friend and partisan of Caesar, entered the senate under the Dictatorship (*tr. pl.* 47 B.C.) and became consul

[95] Carcopino, *Histoire romaine*, 476.

[96] *E.g.*, M. P. Charlesworth, *CAH* x, 83, 'the statesmanship of two generations before had produced out of civil war a people and made a nation of what had once been a city.' F. B. Marsh (*A History of the Roman World from 146 to 30 B.C.*, 423) likewise anticipates when saying that the Social War 'welded the population of Italy into a single nation.' Note the firm observations of Last in this matter, *CAH* x, 425–8.

[97] I hope to treat this subject elsewhere.

[98] Livy, *Per.* 73.

in 40 B.C. Another consul of the revolutionary period was the notorious and proverbial P. Ventidius (*cos. suff.* 43 B.C.). Captured at Asculum, the infant Ventidius had been led in the triumph of Pompeius Strabo.[99] Cicero and Plancus called him a muleteer;[100] so did his soldiers, but in friendly ribaldry when Ventidius entered Rome to assume the consulate.[101] That is to say, before acquiring senatorial rank, Ventidius had been a Roman knight engaged in the department of supply and transport for Caesar's army.[102] Ventidius the muleteer is a familiar character: not so widely known is the fact that there was a family of Ventidii at Auximum in Picenum, holding office there.[103] The young Pompeius expelled them when raising his private army for Sulla. Now, it cannot be proved that Ventidius himself came from Auximum and belonged to that respectable family of municipal aristocrats; but it is quite possible. Another neglected fact falls into line here. Ventidius shattered and destroyed the Parthian armies in Cilicia and Syria, led by Pacorus and young Labienus, a Pompeian partisan from Cingulum in Picenum. Serving with Ventidius as quaestor or legate was a certain Poppaedius Silo.[104] There can be no mistake here—this man must be a member of the dynastic Marsian family which provided the impulsion to the Bellum Italicum—and was largely responsible for that war being called 'Bellum Marsicum.'[105] Q. Poppaedius Silo, the famous Marsian, was a personal friend of Livius Drusus—and associated with the Samnite Papius Mutilus as consul of the new state of Italia.

The aristocracy of Italy is strongly in evidence on the side of Caesar, families that could claim a history as old as that of the patriciate of Rome but conventionally liable to the shameful rebuke of municipal origin—'municipalia illa prodigia,' so Florus terms the leaders of the Italian insurgents.[106] The entry of this class into the governing aristocracy of Rome is a topic of tremendous historical importance. The Paeligni, as we know, could not show a senator before Augustus. But Pollio may well be the first senator from the Marrucini, Poppaedius from the Marsi, unless the excellent L. Staius Murcus, legate of Caesar in 48 B.C., is a Marsian—he is certainly a central Italian of some kind or other.[107]

[99] Dio 49, 21, 1 f.; Aulus Gellius 15, 4; Velleius 2, 65, 3; Pliny, *NH* 7, 135; Val. Max. 6, 9, 9.

[100] Cicero, *ap.* Pliny, *NH* 7, 135; *Ad fam.* 10, 18, 3 (Plancus).

[101] Gellius 15, 4, 3.

[102] *Cf.* M. Gelzer, *Die Nobilität der r. Republik*, 11.

[103] Plutarch, *Pompeius* 6 (referred to by Gelzer, but not by other modern historians of the period), καὶ τοὺς πρωτεύοντας αὐτῶν ἀδελφοὺς δύο Οὐεντιδίους ὑπὲρ Κάρβωνος ἀντιπράττοντας διατάγματι μεταστῆναι τῆς πόλεως κελεύσας κ.τ.λ.

[104] Dio 48, 41, 1. On 'Poppaedius,' the true form of the name, see W. Schulze, *Zur Gesch. lateinischer Eigennamen*, 367. It is not stated, it is true, that this man acquired senatorial rank from Caesar; he might only have held the quaestorship after Caesar's death.

[105] Strabo, p. 241, Μαρσικὸν δὲ ὠνόμασαν τὸν πόλεμον ἀπὸ τῶν ἀρξάντων τῆς ἀποστάσεως καὶ μάλιστα ἀπὸ Πομπαιδίου. *Cf.* 'dux et auctor' (Florus 2, 6, 10).

[106] Florus 2, 6, 6.

[107] *Cf.* F. Münzer, P-W, *s.v.* 'Staius,' 2136; 'L. Staius Murcus,' 2136 ff. Note the inscription (*ILS* 885) from Introdacqua nr. Sulmo. Münzer suggests that this may well be his home . . . but there were no Paelignian senators before Augustus (*ILS* 932). Dolabella's legate M. Octavius Marsus (Cicero, *Phil.* 11, 4; Dio 47, 30, 5) could also raise a claim.

Certainty lies out of reach. There may have been Marsians and Marrucini, local rivals and enemies of the dynastic families of the Poppaedii and the Asinii, in Sulla's Senate or soon after him.[108] As for the great Samnite house of the Papii Mutili, a member became consul under Augustus in A.D. 9—but the Papius who was tribune in 65 B.C. may have belonged to it.[109] The evidence is defective: more than two hundred senators of Cicero's day are lost to name and knowledge, deserving for the most part the label of 'homo novus parvusque senator.'[110] For this reason one must be careful not to exaggerate the rôle of Caesar in bringing into the Senate men from the country towns of Italy. Comparison with the composition of the Senate both before his Dictatorship and after will be useful for guidance.

VI. Sulla's Senate

Sulla's new senators have also come in for abuse, ancient and modern.[111] The more perverse allegations about their origin and class should never have been accepted. It is clear that they were Roman knights; and there will be reason to recognise the broad-minded liberality of Sulla,[112] even when we hold that he could hardly have acted otherwise. But what kinds of knights? that is the question: a sharp divergence of opinion can be detected. Carcopino, neglecting the additions of 88 and 86, produces a mass of five hundred people with whom Sulla swamped a depleted senate of a hundred members, chosen purposely from non-senatorial families.[113] This is excessive. But Hill appears to go to the other extreme. Taking the evidence of Appian and Livy, he supposes that, except for a few rare individuals of the category of Afranius and Petreius, Sulla's nominees were drawn from the eighteen centuries of the 'equites equo publico,' which were composed, for the greater part, of the sons and relatives of senators.[114] Other knights he wishes almost wholly to exclude, because of Sulla's well-known hostility to the business-men. But this view depends upon a complete and therefore unreal antithesis between Senate and Knights, as though they were identical with the parties

[108] A certain C. Urbinius was quaestor in Spain under Metellus Pius (Sallust, *Hist.* 2, 70 Maur.): an Urbinia married Clusinius, a Marrucine (Quintilian 7, 2, 26), and Pollio was concerned in a famous law-suit, defending her heirs against a man who alleged that he was a son of Clusinius.

[109] Indeed, the notorius Milo was a Papius by birth; he was adopted by his maternal grandfather, T. Annius of Lanuvium (Asconius, *In Milonianam* 47 = p. 53 Clark).

[110] *Bell. Afr.* 57, 4.

[111] Dion. Hal. 5, 77, 5, ἐκ τῶν ἐπιτυχόντων ἀνθρώπων. Sallust, *BC* 37, 6, 'quod ex gregariis militibus alios senatores videbant.' The 'gregarii milites' are an exaggeration for ex-centurions, on which see above, n. 55. Livy, *Per.* 89 and Appian *BC* 1, 100, 468 tell a different story.

[112] H. M. Last in *CAH* ix, 286.

[113] J. Carcopino, *Sylla ou la monarchie manquée* (1931), 65, 'évitant à dessein les familles sénatoriales'; *Histoire romaine* (1935), 455.

[114] H. Hill, 'Sulla's New Senators in 81 B.C.,' *CQ* xxvi, 1932, 170 ff. Livy (*Per.* 89) describes the Senate as being recruited 'ex equestri ordine,' Appian (*BC* 1, 100, 468), ἐκ τῶν ἀρίστων ἱππέων. This evidence is not the only support for Hill's thesis—he made an extensive prosopographical examination.

of Sulla and of Marius. As with the Knights, so with Italians. Sulla hated Samnites: he killed a large number of them. But certain Samnites he favoured. Minatus Magius, a dynast of Aeclanum, chose the Roman cause and helped Sulla at the siege of Pompeii. He received the franchise, his sons the praetorship at Rome.[115] Not only this—there is that remarkable and ignored character Statius the Samnite, who had fought against Rome—and then, by reason of his valour, wealth and family, was made a senator at Rome.[116] Here perhaps we have one of Sulla's senators of 88 B.C., a renegade rewarded for deserting in time the Italian cause.

Schur has argued that it was the policy of Sulla to revitalise the Roman Senate by bringing in the municipal aristocracy of Italy.[117] This is reasonable enough, though Schur gives no examples. Among the three hundred or more new senators may be included, in addition to Sulla's own partisans, certain renegades from the lost causes of Marius and of Italia. Statius is a case in point. What can be discovered of the composition of the Senate in the generation after Sulla?

The evidence is not only incomplete, but fortuitous. Odd persons with peculiar, if not unique, names turn up in the most varied connections. For example, the *Senatus Consultum de Oropiis* reveals the unknown senator Voluscius.[118] The brothers Caepasii, small-town orators, appeared from nowhere and captured the quaestorship.[119] Such a name had never been heard of before. Fidiculanius Falcula was a grand name for Cicero to play with, not merely because its bearer was disreputable—'senator populi Romani, splendor ordinis, decus atque ornamentum iudiciorum, exemplar antiquae religionis, Fidiculanius Falcula.' [120] Nor should we require the testimony of Asconius to assure us that Cicero in the speech *Pro Cornelio* leapt with alacrity upon the name of M. Terpolius (*tr. pl.* 77 B.C.).[121]

Most significant are the conclusions to be derived from the nomenclature of the non-Latin regions of Italy, as revealed especially in the masterly and comprehensive work of Wilhelm Schulze [122] and the valuable studies of other students—especially, for this purpose, the prosopographical articles of Münzer. Willems long ago drew attention to the gentile names ending in '-enus' and

[115] Velleius 2, 16, 2, 'cuius illi pietati plenam populus Romanus gratiam rettulit, ipsum viritim civitate donando, duos filios eius creando praetores, cum seni adhuc crearentur.'

[116] Appian, *BC* 4, 25, 102, Στάτιος δὲ ὁ Σαυνίτης, πολλὰ Σαυνίταις ἐν τῷ συμμαχικῷ πολέμῳ κατειργασμένος, διὰ δὲ περιφάνειαν ἔργων καὶ διὰ πλοῦτον καὶ γένος ἐς τὸ Ῥωμαίων βουλευτήριον ἀνακεκλημένος.

[117] W. Schur, 'Homo novus,' *Bonner Jahrbücher* cxxxiv, 1929, 54 ff.

[118] *SIG*[3] 747, 10: on the name, W. Schulze, *Zur Gesch. lateinischer Eigennamen*, 523.

[119] Cicero, *Brutus* 242 (*cf. Pro Cluentio* 57), 'eodem tempore C. L. Caepasii fratres fuerunt, qui multa opera, ignoti homines et repentini, quaestores celeriter facti sunt, oppidano quodam et incondito genere dicendi.' W. Schulze, *op. cit.*, 351, gives only one other example of this name, *CIL* iii, 14045. The first consul with a name terminating in '-asius' is Sex. Vitulasius Nepos (A.D. 78).

[120] *Pro Caecina* 28.

[121] Asconius, *In Corn.* 72 (p. 81 Clark), 'contemptissimum nomen electum esse . . . apparet.'

[122] *Zur Gesch. lateinischer Eigennamen*, 1904.

'-ienus,' which appear in the Roman Senate as early as the second century B.C.[123] The termination indicates Etruria, Umbria or the Sabine and Picene lands. Again, there are the endings '-idius,' '-edius' or 'iedius.' Adolf Schulten has demonstrated their origin from the Osco-Sabellian regions and studied their distribution.[124] Names of this kind are thickest in the heart of the Apennines, in the territories of the Marsi and Paelignians.

Names of the two types here mentioned, though not common, are not rare in the Senate of Cicero's day—and, as they belong to obscure persons, were no doubt more frequent among the two hundred unknown senators. A certain C. Vibienus perished from wounds received in a riot stirred up by Clodius; [125] and an elderly one-legged senator of Pompeian sentiments called Sex. Teidius discovered the body of the murdered demagogue.[126]

In this matter, the Senate of Caesar does not show a perceptibly higher proportion. But the evidence is imperfect: it cannot therefore be invoked to produce valid statistics. It is evident that there must have been a large number of obscure and worthy senators of municipal origin in the Senate after Sulla, not only from Latium, Campania and the Sabine country, but also from Umbria, Etruria and Picenum. (The central highlands, however, as has been indicated, were hardly represented at all.) It was not difficult for the municipal man to enter the Senate: but he could hardly hope for the consulate, which was practically the monopoly of a small minority, the *nobiles*. Hence in tracing the emergence of alien elements at Rome the consulate provides an instructive guide. Münzer has demonstrated the significance of certain consulates held by men with names of palpably non-Latin terminations of various types, *viz.* M. Perperna (130), C. Norbanus (83), C. Carrinas (*suff.* 43) and P. Alfenus Varus (*suff.* 39): [127] one should perhaps add T. Didius or Deidius (98), P. Ventidius (*suff.* 43)—and L. Passienus Rufus (4), for Octavianus' friend Q. Salvidienus Rufus, *cos. des.* for 39, did not survive to take office.

The consulates under Caesar's Dictatorship (48–44 B.C.) show nothing novel or alarming. They were nine in number, five *nobiles* and four *novi homines*: [128] of the latter all had been in the Senate before the outbreak of the Civil War, all had served as his legates in Gaul. This fact cannot utterly refute, but it may help to invalidate extreme and schematic views about the social standing of Caesar's new senators. On the whole they will have brought

[123] *Le sénat* i, 181; Schulze, *op. cit.*, 104 f.

[124] 'Italische Namen u. Stämme,' *Klio* ii, 1902, 167 ff., 440 ff.; and iii, 1903, 235 ff.

[125] Cicero, *Pro Milone* 37 (*cf.* S. H. Rinkes, *Mnemosyne* x, 1861, 216).

[126] Asconius, *In Mil.* 28 (p. 32 Clark); *cf.* Plutarch, *Pompeius* 64.

[127] Münzer, *R. Adelsparteien u. Adelsfamilien*, 47 f.

[128] *Viz.* (excepting Caesar and including Dolabella, *cos. suff.* 44) *nobiles*, P. Servilius Isauricus, M. Aemilius Lepidus, Q. Fabius Maximus, M. Antonius, P. Cornelius Dolabella: *novi homines*, Q. Fufius Calenus, C. Trebonius, P. Vatinius, C. Caninius Rebilus.

no revolutionary change, for good or for evil, to the lower ranks of that body, save by the infusion of partisans from the Italia of 90 B.C., as attested in the three significant characters of Pollio, Poppaedius and Ventidius, and by the handful of worthy Roman citizens from the provinces of the West.

VII. From Caesar to Augustus

Pompeius was no better than Caesar, so Cicero confessed in despondency and Tacitus with cool and bitter scepticism about the ostensible champions of constitutional government.[129] Had Pompeius prevailed there might not, it is true, have been any great increase in the total of the Senate. The governing oligarchy might have checked him. More than that, the greater number of equestrian partisans from Italy and the provinces whom he might have wished to promote had already been seduced by his Marian and 'democratic' rival. In the past Pompeius had furthered the interests of his partisans, inherited and acquired, in Picenum. Hence Lollius Palicanus, Afranius and others.[130] But he can have had few friends among the defeated peoples of the Bellum Italicum: there was indeed a Paelignian, a certain Attius,[131] who would no doubt have attained senatorial rank. As for the *clientèle* which Pompeius had built up for himself in the provinces of the West, he would perhaps have been defrauded of suitable material here for his new senate; for so many of his adherents had been won over by Caesar—as witness the Balbi and others.[132]

It was not Caesar but the Triumvirate that depressed beyond recovery the dignity of magistracies and of Senate. A character in a play produced under the Dictatorship professed himself dazed and speechless when he saw six aediles in the place of the traditional four; [133] and Cicero became shocked and petulant about sixteen praetors—'magistratus levissimus et divulgatissimus.' [134] He was spared the sight of sixty-seven praetors in a single year.[135] Caesar, by a *Plebiscitum Antonium* of the beginning of 44 B.C., reserved the right of designating the consuls and half of the other magistrates.[136] Caesar

[129] Cicero, *Ad Att.* 8, 11, 2, 'dominatio quaesita ab utroque est'; Tacitus, *Hist.* 2, 38; *Ann.* 3, 28.

[130] M. Lollius Palicanus, *tr. pl.* 71, was 'humili loco Picens loquax magis quam facundus' (Sallust, *Hist.* 4, 43 Maur.): he thought of standing for the consulate in 67, Val. Max. 3, 8, 3. As for Pompeius' man Afranius (*cos.* 60 B.C.), note the inscr. *ILS* 878 (between Asculum and Cupra Maritima). Further, one might assume with some confidence that T. Labienus began, as he ended, in loyalty to Pompeius. The Picene following of the Pompeii can clearly be detected in the *consilium* of Pompeius Strabo at Asculum (*ILS* 8888), *cf.* C. Cichorius, *R. Studien*, esp. 157 ff.

[131] Caesar, *BC* 1, 18, 1.

[132] The elder Balbus got the citizenship from Pompeius: so did the Vocontian dynast, father of Caesar's secretary Trogus; and Cornelius Gallus' father may have owed it to a Cn. Lentulus in the service of Pompeius in Gaul and Spain (*cf. CQ* xxxii, 1938, 39 ff.). Gallus first emerges into authentic history as the friend of the Caesarian Pollio (Cicero, *Ad fam.* 10, 32, 5).

[133] Laberius, *ap.* Gellius 16, 7, 12,

> 'duas uxores? hercle hoc plus negoti est, inquit cocio; sex aediles viderat.'

[134] *Ad fam.* 10, 26, 2.

[135] Dio 48, 43 (38 B.C.).

[136] Dio 43, 51, 3; Suetonius, *Divus Iulius* 41, 2; Cicero, *Phil.* 7, 16.

had appointed suffect consuls in 45 B.C., and he intended that Dolabella should take his place when he departed to Macedonia. But he did not intend that the consulate should be other than annual, as witness his designations for the two years following. The Triumvirs changed that, rising even to six consuls in 34 B.C. and eight in the year following. Though Augustus restored annual consuls and a semblance of free election, the names on the consular *Fasti* and the record of certain significant incidents in the early years of his Principate (such as the grant of the consulate to Cn. Piso in 23, though he had held no other senatorial office) [137] show how firm and undisputed his control really was.

The most disreputable individuals entered the Senate not under Caesar, but after his death. Such at least the ancient evidence indicates, especially Suetonius—'erant enim super mille, et quidam indignissimi et post necem Caesaris per gratiam aut praemium adlecti, quos orcivos vulgus vocabat.' [138] Antonius naturally takes the blame for that, and the posthumous working of Caesar's intentions, real or forged. Cicero in the *Philippics* mentions a certain senator, Asinius, who, he alleges, crept into the Senate after Caesar's death.[139] So the charge is not baseless. However that may be, Cicero does not expressly render Antonius responsible for a senatorial adlection either in the *Philippics* or in his correspondence—which is surprising, if the consul Antonius had behaved in an outrageous or even in a questionable fashion. That is to say, the most definite kind of testimony, the contemporary and the hostile, is silent. It will be readily conceded that the actions of the Triumvirate were open to more damaging criticism than was the consulate of Antonius. Only one adlection is definitely recorded, in 39 B.C., when familiar categories of undesirables—namely, soldiers, provincials, sons of freedmen and slaves—were admitted to the Senate: [140] it is also stated that men lower in rank than knights had become senators.[141] Definite and alarming tales of this period are also recorded, escaped slaves standing for magistracies and being elected—or recognised in time and carried off by their masters.[142]

However that may be, despite the proscriptions (though that measure, being mainly a capital levy, was directed especially against knights) and the Battle of Philippi, by far the most terrible carnage of the Civil Wars,[143] the Senate

[137] Tacitus, *Ann.* 2, 43.

[138] Suetonius, *Divus Aug.* 35, 1.

[139] Cicero, *Phil.* 13, 28, 'apertam curiam vidit post Caesaris mortem: mutavit calceos: pater conscriptus repente factus est.' For other statements about new senators after Caesar's death see Appian, *BC* 3, 5, 17; Plutarch, *Antonius* 15. Yet nothing about this in Cicero's criticism of Antonius' management of the *acta* of Caesar (*e.g.*, where one might expect it, in *Phil.* 1, 24—'de exilio reducti a mortuo' etc.).

[140] Dio 48, 34, 4, ἔς τε τὸ βουλευτήριον πλείστους ὅσους οὐχ ὅτι τῶν συμμάχων ἢ καὶ στρατιώτας παῖδάς τε ἀπελευθέρων, ἀλλὰ καὶ δούλους ἐνέγραψαν.

[141] Dio 52, 42, 1.

[142] Dio 48, 34, 5; Jerome, *Chron.*, Ol. 284, p. 158 H; *Digest* 1, 14, 3.

[143] Velleius 2, 71, 2, 'non aliud bellum cruentius caede clarissimorum virorum fuit.'

after Actium had swollen to a total of more than a thousand.[144] In 28 B.C. Octavianus and Agrippa, in virtue of censorial powers, conducted a revision of the list of the Senate.[145] A hundred and ninety 'unworthy members' were induced to depart by moral suasion of different kinds. What was the true point and character of this painless purge?

The pretext and official claim is manifest and suspect. 'Undesirables' had entered the Senate in a period of anarchy: only a purified and reputable Senate could receive from Octavianus' hand the restored Republic, only a strong government could guide and rule. In the conventional and prevalent view about the low social status of Caesar's senators, it is perhaps natural that they, or such few of them as still survived, should be regarded as the principal victims of the purge of 28 B.C.[146] Yet if lack of social distinction be regarded as the original sin, the Caesarians were surely less vulnerable than the packed partisans of ten years' triumviral despotism.

But that is not the point. What, in the eyes of Octavianus and his adherents, were the qualities desirable in the senator of the future? What were the defects that disqualified? The answer is simple. Lack of the fortune necessary to keep up a senator's station—and lack of loyalty to the victor of Actium or of protection from the more powerful of his allies.

In 32 B.C. more than three hundred senators had fled from Italy with the consuls Ahenobarbus and Sosius, espousing the cause of Antonius and the constitution.[147] Some may have returned with Plancus and other renegades, a few perished at Actium, or were executed after the victory. What was the fate of the remainder? Octavianus after Actium confiscated for the needs of his veterans the lands of Italian communities.[148] It may well be that a number of Antonian senators, contemptuously pardoned and not formally stripped of their status—for there had been no *lectio senatus*—were now persuaded to give up a position which they had forfeited by their past conduct, whether or no they had been mulcted of their estates.

It is evident that the purge was not directed against men of 'obscure origin,' real or alleged. Certain of the scandalous upstarts, such as Ventidius the Picene and Saxa the Roman from Spain, were dead. But the Senate still retained the alien-born Balbus from Punic Gades, the Picene Tarius Rufus 'infima natalium humilitate'[149] and many another, the pillars of the new order—not to mention M. Vipsanius Agrippa and T. Statilius Taurus, the

[144] Suetonius, *Divus Aug.* 35, 1; Dio 52, 42, 1.
[145] Dio 52, 42, 1–3.
[146] *E.g.*, 'Caesarian interlopers', M. Hammond, *The Augustan Principate* (1933), 22 and 116.
[147] Over seven hundred senators fought on Augustus' side in the War of Actium (*Res Gestae* 25, 3); but the total of the senate was over a thousand (Suetonius, *Divus Aug.* 35, 1; Dio 52, 42, 1).
[148] Dio 51, 4, 6.
[149] Pliny, *NH* 18, 37.

greatest of them all. The Revolution was triumphant and consolidated. 'Magis alii mores quam alii homines,' to invert a familiar phrase.

After the purge the Senate still numbered about eight hundred members. With the return to constitutional government in 28 and 27 B.C., magistracies resumed their Republican total and functions, the only change, so a government writer alleges, being the raising of the praetors from eight to ten.[150] The number was not kept, rising on one occasion at least to sixteen: [151] Tiberius regarded twelve as normal and Augustan.[152] As for the consulate, Augustus intended at first that it should be annual: it was not until 5 B.C. that suffect consuls became a regular institution.

The contrast with Caesar's Dictatorship is greater in show than in substance, to be explained largely by the fact that Caesar, coming to power in and through civil war, had to carry out changes in a swift and drastic fashion. Augustus after Actium found himself in a happier situation. The Revolution had gone so far—and all his partisans had been so adequately rewarded—that it was both easy and expedient to call a halt and pose as the champion of restoration '—cum ... novis ex rebus aucti tuta et praesentia quam vetera et periculosa mallent.' [153] Not that there was, however, or could be, a real reaction. Twenty years of social change cannot be undone so long as the authors of the process—and its beneficiaries—remain in power.

Caesar's Senate of nine hundred was a disgusting and unwieldy body, never intended, it has been alleged, to work as an efficient organ of government. In point of size the restored and purified Senate of 28 B.C. was not any more manageable; and this was the Senate which, in the view of some authorities, recovered and exerted its ancient functions as well as its dignity and prestige in the first and most 'constitutional' period of the primacy of Augustus. So the Senate endured for a decade. In 18 B.C. Augustus reduced its total to six hundred.[154] It is stated by Dio that he would have wished to go further, to three hundred, that is to say, to the Senate before Sulla—which can hardly be taken seriously, save as a threat to those who were dissatisfied at this modest reduction, and as a profession of Republican ideals. Yet, even so, the Augustan Senate was now probably above six hundred. Twenty quaestors in Sulla's system were held to be adequate to supplement a Senate of that size: yet it appears that that number was exceeded in the generation following. It is not certain whether Sulla's quaestors were intended to hold that office in their thirtieth year. He may have established the age of thirty-seven.[155]

[150] Velleius 2, 89, 3.
[151] Dio 56, 25, 4.
[152] Tacitus, *Ann.* 1, 14.
[153] Tacitus, *Ann.* 1, 2.
[154] Dio 54, 13 f.
[155] *Cf.* Mommsen, *Staatsrecht* I³, 568 f. Against this, however, *cf.* J. Carcopino, 'La naissance de Jules César,' *Mélanges Bidez* (1934), 35 ff., esp. 60 f.

If so, the prescription was certainly neglected in the generation of Cicero —to take only the examples of Cicero and of M. Antonius. If the age of thirty be assumed as the statutory minimum, Augustus reduced the term by five years, a change which can plausibly be dated to the early period of his Principate.[156] This would be equivalent to raising by one-sixth the normal expectation of a senator's life, and hence the total of the Senate. From the middle period of Augustus' rule onwards a Senate of at least seven hundred members may plausibly be deduced. The contrast with Caesar's nine hundred (if they were so many) becomes illusory.

What of that other convenient contrast, the social status of senators under Dictatorship and revived Republic? As for consuls, Caesar's appointments have been mentioned already, five *nobiles* and four *novi homines*. The Triumvirate, however, set a high premium on the latter class. The Augustan consuls in the first decade of the new dispensation show no appreciable change from the Triumviral proportion: with the year 18 B.C. and after, a change, which, however, may be due less to considered policy than to circumstances and 'demographic' accidents—a whole generation of young *nobiles* was now growing up, the sons of the defeated and proscribed, claiming the consulate as of hereditary right.

The composition of the Senate as a whole, however, must have shown a decline of social distinction: many noble families had perished utterly in the revolutionary period. On the other hand, the purge of 28 B.C., while removing some two hundred senators, affected only a fraction of the accessions of the preceding twenty years; for, allowing for the many casualties of the period, if the Senate at the time of Actium numbered over a thousand, these cannot on any reckoning have been less than seven hundred. Moreover, Augustus deliberately fostered the steady recruitment of the Senate from the equestrian order; and it may be presumed that his policy was followed, if not indeed extended, by the Claudian Tiberius, who, like Caesar, was a patrician and a liberal.

VIII. Conclusion

Falling short of a complete catalogue of names and origins, for it is not to be had, the above brief and imperfect sketch, by mentioning here and there a few significant names, may none the less suggest that certain changes in the

[156] The provision is attested as early as 24 B.C. in the dispensation accorded to Tiberius, of five years, permitting him to be quaestor in his twentieth year, Dio 53, 28, 3. Its origin may belong to an earlier date (29–8 B.C.?). Likewise the reduction by ten years in the age required for the consulate. L. Calpurnius Piso (*cos.* 15 B.C.) was certainly consul in his thirty-third year. Also Ahenobarbus (*cos.* 16 B.C.)? He had been aedile in 22 B.C. (Suetonius, *Nero* 4), therefore perhaps quaestor in 24 B.C.

recruitment of the Roman Senate were not as abrupt and scandalous as has sometimes been fancied; and that such changes, however brought about, could not be arrested, and were not in fact annulled. The Senate of the generation after Sulla must have contained a great mass of municipal men—who by the nature and condition of their being do not impress their deeds and personality on the records of history, but are casually preserved, if at all—for more than two hundred have faded into deserved oblivion. Republican history is the history of the *nobiles*.

Yet one part of Italy still lacked its due place in the life of the Roman State, the Italia of 90 B.C. Whatever be thought of the ambitions of Caesar, whatever be the judgement of his rule and policy, one fact remains. In supplementing the Senate, Caesar brought in, among other 'municipal' adherents, excellent men from the Italici, the aristocracy of those peoples. The Dictator perished, but the Dictatorship was perpetuated by Triumvirate and Principate, and his work was not undone. Augustus was not, as Claudius alleged, an innovator, the author of a 'novus mos'; though no reactionary, he would perhaps have been shocked by the language as well as by the policy for which his grand-nephew invoked the blessing of his precedent.

Like Claudius, Augustus could not have appealed to Caesar. It is time to redress the balance. Yet justice to Caesar should not pass into extravagant laudation or countenance any reversion to the schematic contrast or facile antithesis between statesmen and policies which it is the object of this paper to deprecate. By the time of Augustus, the Senate of Rome may be described as representative of all Italy, containing as it did 'omnem florem ubique coloniarum ac municipiorum, bonorum scilicet virorum et locupletium.' The familiar and laudable term 'representation' may engender error and anachronism. Augustus was no doubt glad to see in his Senate men from every part of Italy; he even toyed with the idea of allowing town-councillors to record their votes in absence for elections at Rome.[157] But senators were not chosen to represent a region. They made their way as individuals, men of wealth, merit and loyalty, or as members of an order in society, the propertied classes; which is evident also for the imperial Senate of the Antonines, with its imposing ranks of local aristocrats from the provinces, east and west, the successors of the Italian 'boni viri et locupletes.' It was not for abstract reasons that Pompeius gave the Roman franchise to local dynasts in Gaul and Spain and promoted partisans from Picenum, that Caesar brought into the Senate adherents from the Italici and even provincials. Loyal in the past,

[157] Suetonius, *Divus Aug.* 46.

these men would be useful in the future.[158] The creation of 'tota Italia,' however satisfying and indeed 'inevitable' to the student of political theory, was not the product of abstract speculation applied to human affairs, but the work of time and circumstance, violently accelerated by Civil War and confiscation, by Dictatorship and by Revolution.[159]

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[158] And to a Roman it was no 'novus mos' to bring in *novi homines*—'neque novus hic mos senatus populique Romani est putandi quod optimum sit esse nobilissimum' (Velleius 2, 128, 1), a phrase which suitably illustrates the observation of the Emperor Claudius (*ILS* 212, col. II *init.*).

[159] For valuable improvements in form and substance, the writer is deeply in the debt of the Camden Professor and of Mr. Meiggs.

NOTES ON S. MARIA DELLA STRADA AT MATRICE, ITS HISTORY AND SCULPTURE

I

ROUND the ancient abbey of S. Maria della Strada, its casale and its church, perhaps the most important Romanesque building now remaining in the province of Molise, there has accumulated an abundant literature, because of the many problems, historical as well as artistic and archaeological, which it presents. These problems have of recent years been the subject of fresh studies by Avv. Dott. V. E. Gasdìa and Dott. E. D. Petrella, who have reviewed the existing work on the subject, and have also called attention to a very considerable body of documentary evidence for the history of the church.[1] Gasdìa in particular has laid the Angevin Registers and Fascicoli under contribution,[2] and Petrella has called attention to some hitherto neglected printed sources.[3] Gasdìa has, moreover, carried out a minute and observant examination of the building and its monuments, often with happy results; and on this and on the Angevin evidence has based his interpretation of the circumstances of the foundation and history of the monastery. Petrella in his turn has

[1] V. E. Gasdìa published his first study: *Sancta Maria de Strata*, Colitti, Campobasso, in 1911; this was developed in a fuller, revised work: *Sancta Maria de Strata, Casale e Badia nel Contado di Molise*, in the *Rivista storica benedettina*, Anno XVI, vol. xvi, Roma, 1925, where he deals with the history of the abbey, pp. 29–67, and Anno XVII, vol. xvii, Roma, 1926, pp. 35–55, where he deals with the monument and its art. These three studies will be cited as Gasdìa, 1911, 1925, and 1926. E. D. Petrella followed with his essay 'Santa Maria della Strada (Note d'arte e di storia medievale),' in *Nuova Rivista storica*, Anno X, Milano-Roma-Napoli, 1926, pp. 83–93. This essay he prefaces with a full bibliography of the church: he omits, however, the photographs published by A. d'Avena, *Monumenti dell' Italia meridionale*, Figs. 108–113 (*Relazione dell' Ufficio regionale per la conservazione dei monumenti delle Provincie meridionali*, vol. i, del periodo 1891–1901, Officina poligrafica Romana, 1902). The present paper was already in proof when my attention was called by Mons. Alberto Romita, Bishop of Boiano-Campobasso, to a series of articles on S. Maria della Strada by Padre Michele Galluppi, O.F.M.C. in the 'Cronaca di Molise' of the *Giornale d'Italia*, of 15 November, 1935, 16 April, 20 June and 16 August, 1936. I am glad that he shares my view of the significance of the fountain-column and the Celestial Journey of Alexander the Great; but I cannot endorse his conviction of the Greek origin of S. Maria, nor yet of the early evidence for the casale in the mention of 'Castrorum Matritii Sancte Marie de Strata et Montis Agani' in a diploma of 1038 or 1039, which purports to be the grant of the castrum of Montagano to certain of the inhabitants by Paldolf III and Landolf VI of Benevento. This document, which was published by J. B. Doni, *Inscriptiones Antiquae*, Florence, 1731, p. 518, and by Fedor Schneider, *Quellen u. Forschungen aus Italienischen Archiven u. Biblioteken*, xvi, Rome, 1914, p. 16, is given in facsimile by P. Galluppi in *Atti della Società Storica del Sannio*, Anno X. fasc. 1. It is, however, impossible to avoid serious doubts as to its genuineness; the handwriting is not the Beneventan script of the early 11th century, but rather of the 13th or later, since the characteristic ligatures and abbreviations are absent, of the letters only *a* and *t* retain the Beneventan form, and most elements of diplomatic minuscule appear. Further the names of the inhabitants are very improbable for the earlier period, though likely enough for the 13th century, while the description of S. Maria as a *castrum* contradicts all that is known of the history of this casale. But it is not feasible to discuss the matter here as fully as it deserves. P. Galluppi has also contributed articles, *inter alia*, on S. Maria di Canneto to the *Giornale d'Italia* in 1936 and 1937. I was able to consult P. Galluppi's articles in the Biblioteca Provinciale Molisana at Campobasso by the kindness of the Librarian, Avv. Antonio Mancini.

[2] Gasdìa, 1911, pp. 5–12; 1925, pp. 61–67.

[3] Petrella, p. 87.

subjected Gasdìa's views to criticism, and has on occasion, corrected his inferences; but Petrella's revision cannot in many respects be accepted, and the whole series of problems needs to be examined afresh. These concern, in the first place, the foundation of the abbey, its topographical situation and its relation to the authorities ecclesiastical and lay with which it and its dependent casale were connected; in the second place, they concern the architectural and artistic import of the building, which will be shown to have great significance in the history of iconography and twelfth-century schools of sculpture.[4]

The existence of the monastery has been traced by Gasdìa as far back as the papal privileges of Anastasius IV in 1153 and Adrian IV in 1157, when the abbey of S. Maria *de Strata* is included in the list of monasteries and churches attributed to the jurisdiction of the archbishop of Benevento.[5] Moreover, he has drawn attention to a reference made in the thirteenth century to a presumed grant of the casale of S. Maria to the abbey by a 'King William,' which points to the same period.[6] The fortunate discovery of an unpublished document in the Archivio storico provinciale di Benevento has now fixed beyond all doubt the date of the consecration, if not of the foundation of the church. This is a charter of August 1148 granted by Gerald de Fay, lord of Jelsi and S. Angelo in Vico, for the church and casale of S. Sofia *de Gibizza*.[7] In it he mentions the dedication of the church of S. Maria *de Strata* 'in nostra provincia' by archbishop Peter of Benevento, assisted by the bishops John of Volturara, Raymond of Civitate and Robert of Boiano. No abbot of S. Maria is mentioned, but it is tempting to find the name of the first abbot in the 'Abas Landulfus' formerly inscribed on the pavement of the church, which was very probably contemporary with the building. Moreover the suggestion that he is to be identified with the donor of the Fonte Randolfe between S. Maria and Matrice is attractive.[8] Yet another fresh document

[4] I should like here to express my sincere gratitude for the invaluable help without which the present study could not have been completed, owing to my absence from Italy. To Signorina Dott. Bianca Mazzoleni, of the Grande Archivio di Stato, Naples, I am indebted for the lengthy researches she has carried out at my request in the 'Notamenta' of Carlo de Lellis for notices of documents concerning Matrice and S. Maria della Strada and their lords, and for the careful transcripts she has made from the Angevin Registers and Fascicoli in the Grande Archivio di Stato. The most important of these are published in an appendix, forming as they do the indispensable basis of the historical investigation. The study of the architecture and sculpture of S. Maria, on the other hand, has been greatly facilitated by the beautiful photographs obtained for me by the good offices of Prof. Alfredo Zazo; some of them were the work of the Ingegniere Magliano, and were published by A. d'Avena, in the *Monumenti dell' Italia Meridionale*, already mentioned; others were specially taken for me with great courtesy and skill by the Ingegniere Romeo Musa, Campobasso. In addition I have had the use of photographs from the collections of the Istituto Nazionale LUCE and of D. Anderson, several of which I am kindly permitted to reproduce here. I have thus been able to follow up the observations and sketches which I made on the spot when I visited S. Maria.

[5] Gasdìa, 1925, p. 35, referring without acknowledgment, as Petrella points out, to Ughelli-Coleti, *Italia Sacra*, Venice, 1717–1722, vol. viii, col. 113–114, 117.

[6] Gasdìa, doc. (2), 1911, pp. 6–7; 1925, p. 62; App. n. 10. Whether this refers to William I, crowned as co-ruler with his father in 1151, or to William II (1166–1189), some date in the second half of the twelfth century is indicated; probably the reference is to William I, in view of the other documents from this period.

[7] App. n. 1.

[8] Petrella, p. 89.

from the same archive of the year 1176 attests the presence of the abbot Nazzarius, evidently well established among the *boni homines* of the neighbourhood, who intervened in a dispute between the cardinal abbot of S. Sofia di Benevento and one of his men at Toro.[9]

The title of S. Maria *de Strata*, which stood in the twelfth century, as it does now, in the territory of Matrice, has raised much discussion about the road to which reference is apparently made. Vincenzo Ambrosiani, supported by Petrella, saw in it the stretch of paved mule-track which runs from Matrice to Petrella Tifernina and thence northwards to the great lines of the Tratturi by which the flocks and herds passed from Molise and Abruzzo to winter in Apulia.[10] Gasdìa, on the other hand, regards it as the Via Frentana Apula, a branch of the Via Valeria, represented to-day by the provincial road from Boiano to Vinchiaturo, and thence by the national road to Campobasso and Larino, which passes between S. Maria and Matrice, less than a kilometre distant from either.[11] Impossible in truth to say for certain which road gave its name to the church. There is, however, yet another possible explanation of the title 'della Strada.' This may not have applied to any specific road, but may have been a general appellative describing the protection afforded to the journeying faithful by the Blessed Virgin, the Guide, the Nea Hodigitria of Calabrian dedications.

The ecclesiastical relations of the monastery, like all else connected with it, have been the subject of controversy. The foundation has been attributed by Gasdìa to the monks of S. Sofia di Benevento, but without any evidence; [12] and Petrella has adopted the same view, again without evidence.[13] He points out, rightly enough, that S. Maria stood on the border between the chief spheres of influence of S. Sofia and Monte Cassino, and refers to the many donations of the counts of Molise on behalf of S. Sofia, especially those of the *castella* of Castelvecchio, Toro and S. Giovanni in Galdo. These he attributes to the counts' desire to restrain the over-mighty power of Monte Cassino in their county; [14] a thesis which does not take account of the contemporary grants to S. Benedict, for example, those of S. Croce at Isernia and of S. Illuminata at Limosano. But there is, in fact, never the least hint that S. Sofia

[9] App. n. 2.

[10] Petrella, p. 84, quoting Vincenzo Ambrosiani, *La Chiesa badiale di S. Maria la Strata in Matrice*, Campobasso, 1887; see Pl. I, 1.

[11] Gasdìa, 1911, and 1925, pp. 31–33; *cf.* Eduard Sthamer, 'Die Hauptstrassen des Königreichs Sicilien im 13 Jahrhundert' in *Studi di storia napoletana in onore di Michelangelo Schipa*, Napoli, 1926, p. 99, III. The Via Valeria and its branches, of which III. e. from Bojano to old Larino *via* Vinchiaturo and Campobasso (diverging from III. d., Corfinium-Boiano-Benevento) is the equivalent of Gasdìa's Via Frentana Apula.

[12] Gasdìa, 1925, p. 35.

[13] Petrella, pp. 87–88.

[14] *Ibid.* Petrella gives a very long list of Cassinese possessions in the county of Molise: he treats, however, S. Eustachio in Pantasia as a different church from S. Eustachio in Ficarola, when they were in truth identical, and some of the churches mentioned by him were not in the county in the twelfth century, but belonged rather to the counties of Civitate and Lorotello. On the other hand, he omits S. Illuminata *in castello Limosani*, and S. Maria di Canneto *iuxta Fluvium Trinium*.

had any part or lot in S. Maria della Strada, and the mention of the latter in two documents from the archive of the Beneventan abbey is due to purely fortuitous circumstances.

In regard to the claims of Monte Cassino, the question is not so clear. Petrella, indeed, believes that any connexion there may have been, concerned the casale and not the monastery, but such a distinction is in the nature of the case impossible. The dependence of the casale on the monastery is apparently vouched for by a fragment of a general inquest probably of 1277 concerning feudal services due to the royal *curia* in the county of Molise. It is given in the Fascicolo Angioino no. 24, with the heading: 'Est monasterii Casinensis In casale Sancte Marie de Strata.'' [15] Nevertheless, S. Maria della Strada is not found among the possessions of the great abbey in the confirmations of Innocent III or Honorius III; the presence of the abbot of Monte Cassino at its dedication is not mentioned; nor is there any published document which suggests that it was a subject house. The church of S. Maria *de Strata*, which is mentioned in the Registers of Monte Cassino, is a different church in the neighbourhood of San Germano ; [16] and a document of 1381 which does indeed concern an abbot Nicolas of S. Maria de Strata at Matrice is inconclusive. It is an order issued by abbot Peter de' Tartari of Monte Cassino for the institution of brother Nicolas of Morrone, a monk of Monte Cassino, as provost of the subject churches of S. Eustachio di Ficarola or di Pantasia, and S. Maria di Casalpiano after the deposition of an unworthy provost.[17] The document continues: 'Quo circa dilectis in Christo venerabili in Christo Patri Nicolao Abbati monasterii S. Mariae de Strata, et honesto viro Archipresbytero S. Mariae de Morrono, etc. beneficia, et cappellas sibi subjectas vacantia, vel vacatura conferendi de quibus tantummodo potestatem reservantes, subtrahimus tenore presentium facultatem.' Here the abbot of S. Maria and the archpriest of Morrone, neighbouring clerics, seem to have been charged with the administration of the property of S. Eustachio during the vacancy, but they do not appear to be in any way themselves subject to Monte Cassino. The evidence, then, for the dependence of S. Maria rests only on the inquest quoted above, and its meaning is not plain. A possible explanation is that the phrase 'monasterium Casinense' is used merely for a Benedictine

[15] Gasdìa, 1911, p. 8; and 1925, p. 63, where he gives the text of the inquest, Fasc. Ang. n. 24, fol. 81; this has been verified for me by the kindness of Signorina Bianca Mazzoleni, of the Grande Archivio di Stato, Naples, and will be discussed, *post*, p. 43. It is printed again App. n. 13.

[16] *Regesti Bernardi I Abbatis Casinensis Fragmenta ex archivio casinensi* . . . cura . . . D. Anselmi Mariae Caplet, Rome, 1890, no. 165, p. 77; and *Regesto di Tommaso Decano o Cartolario del Convento Cassinese* (1170–1280), p. 220.

[17] Petrella, p. 87, quoting E. Gattola, *Historia Casinensis*, vol. i, Venice, 1733, p. 217. S. Eustachio di Ficarola is in the territory of S. Elia a Pianisi, and S. Maria di Casalpiano in that of Morrone del Sannio, both in the county of Molise. The commission to the archpriest of Morrone was obviously fitting, and S. Maria della Strada was a neighbouring Benedictine house.

house which had originally received its customs from Monte Cassino, and the intention clearly is to state that the casale belonged to the abbey of S. Maria della Strada, not to Monte Cassino. Support for this suggestion will be found when the architecture of S. Maria comes to be discussed, since the church belongs to that lesser school of Benedictine building in the Abruzzi, which is seen, for instance, in S. Maria in Cellis, S. Maria in Valle Porclaneta and S. Maria di Canneto, all of them ultimately deriving from Monte Cassino. They indeed were subject to the parent house, while S. Maria della Strada, it would seem, was independent.[18]

On the other hand, the archbishop of Benevento always appears as the ecclesiastical superior of S. Maria, which was situated within his immediate diocese. He consecrated the church in 1148, and received jurisdiction over the abbey from Anastasius IV and Hadrian IV in 1153 and 1157. From the earliest days its head was an abbot, and that he was later a mitred abbot is proved by a record of 1374, when brother Roger is found among those *habentes mitras et crossas* within the diocese of Benevento, whose attendance at provincial synods was required, and whose collation belonged to the archbishop.[19] After the evil of *commendam* had fallen on the abbey, it was the Cardinal Archbishop Lorenzo Cibo, the nephew of Innocent VIII, who tried to withdraw the revenues from the commendatory abbot Marcantonio Sperandeo, the latter being defended from the spoliation by the king, Frederick of Aragon. Finally, when monastic life had entirely ceased in the abbey in the seventeenth century it was Archbishop Orsini who restored and reconsecrated the church in 1703.[20] It is most probable, therefore, that S. Maria received its customs, and perhaps its first monks, from Monte Cassino; but it was an independent house subject only to normal diocesan control, a control which seems to have been tightened with the changing practice of later days, when archiepiscopal collation was substituted for the free election of the abbot by the community.

Of the actual circumstances of the foundation of S. Maria and its relation to the lay lords of the region in its earliest days very little can be discovered. It is, however, certain at least that the church was founded in the territory of Matrice, for the casale which grew up round the religious foundation was always coupled with Matrice.[21] According to the *Catalogue of the*

[18] G. Masciotta, indeed, in *Il Molise dalle origini ai nostri giorni*, Napoli, 1914, vol. ii, p. 215 writes, 'Essa Badia, feudo Cassinese, era ricca di terre ed altri cespiti. Nel 1809 il suo patrimonio fu incamerato, e Re Gioachino lo concesse in gran parte al Duca della Regina. . . .' But he does not give the source of the statement that it was a fief of Monte Cassino.

[19] Pompeo Sarnelli, *Memorie cronologiche de' Vescovi ed Arcivescovi della S. Chiesa di Benevento*; Napoli, 1691, pp. 131–132, cit. G. Masciotta, ii, 214, n. 136, and 219, and following him, Petrella, p. 87. The same information is given by Sarnelli with some variants in his *Memorie dell' insigne collegio di S. Spirito della città di Benevento*, Napoli, 1688, pp. 56–57.

[20] See Gasdìa, 1911, pp. 11–12, and 1925, pp. 66–67.

[21] For this there is abundant evidence in the Reg. and Fasc. Ang. from 1269 onwards.

Barons in the middle of the twelfth century, Robert Avalerius, a baron of the count of Molise, and a man of considerable importance, was lord of Matrice, a fee of two knights. He held also Collerotondo (territory of Montagano), Arcipresbitero (territory of S. Giovanni in Galdo) and Albona (unidentified), reckoned together as one knight's fee, and Ripabottoni and Castello as another fee; further, he had Campodipietra, which was in the hands of a sub-tenant, William Marchisius, the brother of Manfred Marchisius, lord of Lupara and Castelbottaccio. The area of Robert's influence through his tenants and dependents extended still further, as far as Salcito and Pietravalle along the border between the principality of Capua and the duchy of Apulia.[22] S. Maria della Strada lies between Matrice and Robert's more northerly fiefs, and we may assume that the grant of land for the endowment of the church and monastery was made by him. At any rate he was alive in 1147, when he witnessed, in the presence of count Hugh II of Molise, a concord concluded between Hugh Marchisius of Castelbottaccio and Lupara and the church of S. Angelo in Altissimo,[23] just one year before S. Maria was dedicated with great pomp. Further, the inscription round the column standing a short distance from the church (Pl. V, 1 and 2), which has been thought to record an abbot Valerius in the time of King Robert, refers certainly to Robert Avalerius.[24]

The new foundation obviously prospered, and to judge from the evidence of the quarrels in the early Angevin period between the lords of Matrice and the abbot, it is not too much to assume that the juridical situation of S. Maria resembled that of the many new foundations which were arising as the result of baronial piety in the twelfth century.[25] These were sometimes mere country churches or chapelries, sometimes, as at S. Maria, small monastic establishments; but in either case there was some endowment in land with a few men to work it, the whole often granted away 'libere et quiete,' or, in general terms, free from the lord's interference and rights of ownership. Soon, with the rapid increase of population and its settlement, owing to the more ordered conditions of the second half of the century, outside the fortified *castella*, a casale would grow up round the church, taking its name from the titular

[22] *Catalogus Baronum* in *Cronisti e scrittori sincroni napoletani*, ed. G. del Re, Napoli, 1845, vol. i, p. 593, art. 792–796.

[23] E. Jamison, 'The Administration of the County of Molise,' I, App. 1, in *English Historical Review*, vol. xliv, October 1929, p. 554; and 'I conti di Molise e di Marsia,' App. n. 1, in *Atti del Convegno Storico Abruzzese-Molisano*, Casalbordino, 1933, vol. 1, p. 153. Hugh Marchisius did not also hold Limosano, as Gasdìa states; this was a demesne town of the counts of Molise.

[24] [A]VALERII DOMINI ROBBERTI TEMPORE RE . . . VT SITIENS BIBAT HOC CLARO DE FONTE QVO DE X . . . (*or* QVOD EX . . .). The ends of the lines are illegible, partly owing to deliberate cancellation and partly to the cutting of the rectangular opening, Pl. V, 1 and 2.

[25] Gasdìa, 1911, gives as instances the neighbouring villages of S. Giovanni in Golfo and S. Stefano. Among countless others, S. Sofia di Gibizza may be fitly mentioned, since it is to the vicissitudes of that church and village that we owe the notice of the dedication of S. Maria.

saint. At S. Maria the lords of Matrice seem to have retained the tenure *in capite* and the obligation to perform the military service due to the royal *curia*, while the monastery held the church and casale as a sub-tenant without obligations to any secular person. There was a margin of uncertainty here as to the judicial rights, the feudal oath of security, and the dues which might be claimed by the lord from the abbey and its men for the purpose of meeting the *servitium debitum*; consequently difficulties were bound to occur. In parallel cases the matter was generally settled by agreement, as for instance, at S. Sofia di Gibizza; [26] and although there is no certainty in regard to S. Maria, it is possible that the privilege of King William adduced by the monks in the thirteenth century was in fact the judicial settlement of a dispute with the lords of Matrice.[27] It seems probable that these lords still belonged to a branch of the family of Avalerius under Frederick II, while another branch held Ripabottoni, deriving from Vitus Avalerius, who was among the barons of Molise in charge of Paduan hostages in 1239.[28] He was lord also of Venamaggiore and half of Montorio in the Capitanata, and his descendants, Robert de Vitavalerio, Alionora Avelleria and Richard de Avalerio (or de Catellis) are found holding Ripabottoni and Venamaggiore from 1272 till 1319.[29]

In the time of Charles of Anjou Matrice was in the hands of Gemma, lady also of Campodipietra and of the barony of Lupara. From the information in the Angevin Registers and Fascicoli it is clear that Gemma held all her fiefs in her own right, and while the evidence is not fully conclusive, there is good reason to believe that she was the heiress of the Avalerii at Matrice, and of the Marchesi at Lupara. In 1269, when she was already a widow, Gemma, as the 'daughter of the late Constantia,' obtained from the *magna curia* restitution of Matrice and Campodipietra of which she had been unjustly despoiled.[30] The implication is that her claim was justified through her mother, and this is explicitly confirmed by her son Peter's statement that his mother held her feudal lands 'ex successione materna.' [31] But besides Constantia, the lady Mephia is also credited with having held these two *castella* with their *casalia*. She had been the wife of the late

[26] App. n. 1.

[27] A parallel case is the dispute between abbess Bethlem of S. Maria di Porta Somma and her nephews about the casale of S. Angelo *in Ingeniis*: she brought the dispute into the king's court at Salerno, and the royal officials arranged an agreement in 1155. E. Jamison, 'The Abbess Bethlem and the Barons of the Terra Beneventana,' App. I, n 8, in *Oxford Essays in Medieval History*, Oxford, 1934. Such an explanation of the 'privilege' of King William for S. Maria is much more probable than that of Petrella (p. 89), that it was a privilege enfeoffing the abbey with the houses round the church. Its disappearance is not astonishing in view of the loss of all the documents of S. Maria.

[28] Huillard-Bréholles, *Historia diplomatica Friderici II*, Paris, 1852–1861, vol. v. 1, p. 615.

[29] *Cat. Bar.* p. 615, art. 1373; cf. *ibid.* p. 603, art. 1079, 1081, and p. 612, art. 1257, 1259 (Hugh Avalerius at Sangro). De Lellis, 'Notamenta,' ex Fasciculis, II, p. 444; ex Archis, I, p. 1017, 1026; II, p. 906; Archivio d. Regia Zecca, vol. 24, No. 717.

[30] App. n. 4.

[31] App. n. 16.

Thomas of Agnone, and he had held a quarter of the barony of Agnone and the barony of Petrella, as well as Matrice and Campodipietra, which had belonged to his late wife. This information comes from an order for the revocation to the *curia* of the half of the barony of Agnone which had belonged to Borrellus of Agnone and the lands of Thomas as set out above.[32] Borrellus was killed by Manfred or one of his partisans as early as 1254, but so far the date of the death of Thomas and Mephia is not known. We must assume that Constantia inherited Matrice as the daughter of an elder brother of Vitus Avalerius; that she married a lord of Campodipietra; and that these *castella* went to her daughter Mephia and her husband. When they had died, Charles I tried to recover the lands, but Gemma put in her claim, which was allowed, to succeed as Constantia's heiress. Thus Gemma must presumably have been the sister of Mephia. She lived Frankish law, we are told,[33] and belonged expressly to the 'Latin' and not to the new 'Gallic' nobility.[34] She was therefore in all probability of Italian Norman origin. Her husband was a certain Nicolas de Theopaldo of Palestrina, who received Lupara from Frederick II. Their sons were Peter and Nicolas, who succeeded not only to Matrice and Campodipietra, but also to Lupara. But before telling the story of their relations with Matrice and S. Maria della Strada, it will be well to take up the history of the barony of Lupara.

In the Norman period the house of Marchese held Lupara and Castelbottaccio. Its head in 1147 was that Hugh Markese or Marchisius whose charter was witnessed by Robert Avalerius; and in the *Catalogue of the Barons* Hugh's sons Manfred and William, lords of Lupara and Castelbottaccio, held also Campodipietra adjoining Matrice, from Robert. Manfred was returned as the tenant, and William, who held of his brother, was no doubt in actual occupation of the fief.[35] He may most probably be identified, both on account of his name and because Campodipietra borders on Toro, with the *W. de Luparia miles*, who in 1176 supported Robert of Toro in his dispute with S. Sofia di Benevento.[36] The family made a definite mark in the neighbourhood, because the name 'Marchisi' is to this day attached to a place in the commune of Campodipietra.[37] The genealogy of the family, though attempted by Della Marra and recently by Gasdìa, needs much fuller investigation.[38]

[32] App. n. 3.

[33] Reg. Ang. 1300 A, n. 106, f. 255, Mandate of 1301, 10 July, Ind. XIV, recites how 'Petrus de Luparia miles . . . nuper exposuit maiestati quod, vivente Gemma domina Baronie Luparie, matre sua iure francorum vivente cuius se primogenitum asserit et heredem . . .'

[34] App. n. 8.

[35] *Cat. Bar.* p. 592, art. 777, 778, and p. 593, art. 793; there is documentary evidence that Manfred was alive in 1179 (Arch. stor. prov. di Benevento, Perg. di S. Sofia, vol. 13, n. 16).

[36] App. n. 2.

[37] Masciotta, *op. cit.* vol. ii, p. 115.

[38] Ferrante della Marra, Duca della Guardia, *Discorsi delle Famiglie estinte, forastiere, o non comprese ne' Seggi di Napoli, imparentate colla Casa della Marra*, Napoli, 1641, pp. 227–228. See *post*, Appendix I.

It may perhaps be hazarded that their lands were divided towards the end of the twelfth century, and that while one branch is known to have held Castelbottaccio at least to the end of the fourteenth century and to have retained the name of Marchese,[39] another branch from which Gemma derived, perhaps through William of Lupara, were lords of Lupara and Campodipietra. It may well be that Constantia, the heiress of the Avalerii of Matrice, married the lord of Campodipietra, a relative of the lord of Lupara. The Lupara, however, are not mentioned among the Molisani barons in charge of Lombard prisoners, and we learn from an Angevin document that Frederick II had deprived the lord of Lupara of his barony because he supported the Pope.[40] This statement is made in the claim to the barony preferred in 1280 by a certain Oderisius Octavianus and his brother Accurrebonus Masii, who are described as citizens of Spoleto. They rely on their descent from the dispossessed lords, and it is tempting to see in the name *Masii* an error for *Marchisii*. The claimants go on to say that although Charles of Anjou invited them as exiles to return when he came into the kingdom, and although in virtue of a royal writ they recovered and occupied the barony which was rightly theirs, they were ejected by Peter and Nicolas, the sons of the late Nicolas of Palestrina, who seized the person of Oderisius.[41] These are in fact the sons of Gemma, whose husband is elsewhere called Nicolas de Theopaldo.[42] Nicolas, then, who had been given the barony by Frederick II, was most probably married to Gemma to regularise his position. She held Lupara, according to the general inquest of 1272–1273 into the fiefs held *in capite* by 'Latin' barons,[43] *ex successione parentum et predecessorum suorum*, a statement which makes it clear that she was related in some way to the old lords. The sons of Gemma and Nicolas, moreover, in claiming the barony after her death, did so *ex successione materna*, again witnessing to a personal claim of hers which, they add, was derived from her mother.[44] In 1276 she was excused payment of military service because her son Nicolas was with the king in person at Rome; [45] and from February 1278 to January 1279 she was engaged in a long lawsuit with Duraquila of Cantalupo for the possession of the casale of S. Angelo in Altissimo, an old subject of contest between the lords of Lupara and Castelbottaccio and S. Sofia di Benevento. The casale was claimed by the abbot and convent, who had violently dispossessed Gemma and rented it to Duraquila's father and his brothers.[46] In July 1278, perhaps in connexion with

[39] *Ibid. Cf.* E. Jamison, *Conti di Molise e di Marsia*, App. n. 1, p. 153.
[40] App. n. 17.
[41] *Ibid.* Nicolas de Penestrino.
[42] App. n. 18.
[43] App. n. 8.
[44] App. nn. 15, 16.
[45] App. n. 11.
[46] Reg. Ang. 1276 B, n. 26, fol. 131; Reg. Ang. 1277 F, n. 28, fol. 68, both documents being dated 1278, 26 Feb., Ind. VI; and Reg. Ang. 1278–1279 H, n. 33, fol. 53 v°, document dated 1279, 31 Jan., Ind. VII.

this suit, or else with the claims of Oderisius and Accurrebonus of Spoleto, orders were issued for Peter and Nicolas of Lupara to appear before the vice-master justiciar on a charge that they had occupied the barony of Lupara to the prejudice of the *curia*, to which it belonged in full right.[47] But whatever the upshot was, the brothers put in their formal claim in July 1280 to succeed their mother after her death,[48] as did also Oderisius a year later, so far as Lupara was concerned.[49] Peter and Nicolas were undoubtedly successful in obtaining the whole of their mother's inheritance, but the order of the *curia* for the taking of the oath of *assecuratio* by the vassals of Lupara and S. Angelo in Altissimo was not issued until 16 February, 1286.[50] The brothers divided their mother's lands; Peter, who, like Gemma, lived Frankish law, took Lupara and Campodipietra, and Nicholas, who lived Lombard law, took Matrice and S. Maria della Strada.[51] Their sister Sybil had already been married during Gemma's lifetime to Bartholomew of Veroli, and her money dowry had been secured on the *castellum* of Campodipietra.[52]

But interesting as all the affairs of the family are, our first concern is with the church and casale of S. Maria. Gemma, it has been seen, recovered her legal right to Matrice in June 1269, and her son Peter on her behalf lost no time in vindicating every right to which she could lay claim, including the casale of S. Maria della Strada. Already in the month of September the abbot had lodged a complaint before the *curia* that Peter, acting for his mother, the lady of Lupara, had demanded, as the legal consequence of the restitution to her of the casale, the *assecuratio* or oath of fealty to the *dominus terrae* from the abbot and his vassals, and had distrained upon their houses, lands and oxen. The abbot sought redress in the king's court, alleging that he had no obligation to any secular person, and Peter was prohibited from any further action on his own authority. His supposed rights must be claimed in the *magna curia*.[53] In spite of this injunction, Peter persisted in his violence, and in 1275 claimed the whole casale, supporting the claim by an armed entry into the village. The abbot again sought redress in the king's court, asserting that the casale had always belonged to the monastery, as witnessed by a privilege of King William. The justiciar was ordered to hold an inquest in the presence of both parties: if Peter had despoiled the monastery of the casale on his own authority, it should be restored according to the procedure established by the king for the restitu-

[47] App. n. 14.
[48] App. nn. 15, 16.
[49] App. n. 17.
[50] Fasc. Ang. 36, f. 15: we may note also the effort of Peter and Nicolas in the same year to make good their right to a house in Boiano, of which they had been dispossessed by the late Roger count of Celano (Fasc. Ang. 23, f. 23 v°, 26 June, Ind. XIV).
[51] This is clear from the mandate for the confiscation of Peter's lands in 1305, and from the documents for Nicolas and his descendants, *passim*.
[52] Reg. Ang. 1300 A, n. 106, fol. 255, doc. of 1301, 10 July, Ind. XIV; and Reg. Ang. 1305–1306 C, n. 154, fol. 121 v°, doc. of 1306, 8 Feb., Ind. IV.
[53] App. n. 5.

tion of property seized by violence. If not, then the casale was to be sequestered in the hands of the *curia*, or of some sequestrator appointed by the king, with the object of trying the proprietary action.[54] The immediate upshot of the quarrel is unknown, since very few special inquests have been preserved, but, as will be seen later on, the Lupara maintained their tenure of the casale. Gasdìa, indeed, who draws a lively picture of Peter and his troop of horse clattering into the village, regards three inquests, whose records he published, as bearing directly on this act of violence; in the first of them, he says, the right of the abbey was upheld by the jurors, while on the two subsequent occasions the men of the casale were intimidated by the lord of Lupara, and, reversing their previous testimony, swore that he alone held the casale with rights of justice, fealty and dues. These inquests, however, have no connexion with any private quarrel, since they are in fact parts of different general inquests into the relations between the king and the feudatories, which were ordered to be held throughout the provinces. They deal with various aspects of these relations, and do not therefore show that flat contradiction which has been attributed to the intimidation of the jurors by the lords. Much light has been thrown by Dr. Sthamer on the general feudal inquests ordered by Charles I,[55] and the returns to two at least of these inquiries are extant for Gemma's lands. The first, which took place in 1272–1273, was concerned to discover the 'barones et pheudatarios latinos tenentes terras, pheudum seu pheuda aut bona pheudalia in capite,' and to inquire 'de valore annuo eorumdem,' with the object of reviewing the services due from the old indigenous nobility on the occasion of the expedition to Greece. The inquiry elicited valuable information concerning Gemma's tenure of Lupara,[56] and of S. Maria della Strada and Matrice,[57] which latter are described as belonging to her son Peter. He is the only lord holding in chief at either place, while a juror at Matrice refers to his tenure of Lupara and S. Maria della Strada. The value of Matrice is sworn at three gold ounces, and that of S. Maria at fifteen tarenes. In connexion with this information, it is not a little interesting to see that the amount of money service received from Gemma by the hand of Richard of Lauria at Capua on 3 July, 1273, amounted to two gold ounces and fifteen tarenes, Matrice being worth *ad generale pondus* four gold ounces, eleven tarenes and five grains.[58]

[54] App. n. 10. The reference to the procedure established for the restitution of property is to the provision of 15 March, 1272, R. Trifone, *La Legislazione Angioina*, Napoli, 1921, doc. n. XXII.

[55] Eduard Sthamer, *Bruchstücke mittelalterlicher Enqueten aus Unteritalien* (Abhandlungen der preuss. Akademie der Wissenschaften, 1933, phil. hist. Klasse N. 2), Berlin, 1933, pp. 26–27.

[56] App. n. 8.

[57] App. nn. 6 and 7. The inquest for S. Maria is published by Gasdìa, but not that immediately following for Matrice.

[58] App. n. 9.

The next inquest recorded for S. Maria and Matrice [59] belongs either to the third general inquest of 1277 and 1278 or the sixth of 1283, according to Dr. Sthamer's list; [60] it is an inquiry 'si in terra ipsa essent aliqui pheodotarii qui Regie Curie servire teneantur de servicio militari et de annuo valore.' In Matrice Peter and Nicolas of Lupara, sons of Gemma, are returned as the lords holding of the *curia* on military tenure: the value has risen since the inquest of 1272 to six gold ounces *comuni estimatione*. In the casale of S. Maria della Strada, on the other hand, the jurors assert that the place belongs to the Cassinese Monastery, and that no service is owed from it to the royal *curia*. This testimony asserting the right of the abbey is later in date than that which was sworn in 1272–1273 to the effect that Peter was the sole Latin lord holding *in capite* and not, as Gasdìa suggests, earlier, so that, apart from the inquest being a general and not a special one, it cannot bear the interpretation he put upon it. The question here is not into tenure *in capite*, but into the presence of any feudatory owing service to the crown; the jurors state correctly that there is no such feudatory because the village belongs to the monastery, and they do no more than refer to the sub-tenancy of the abbey in free alms, leaving aside the duty of the tenant *in capite* to fulfil the obligations of the place to the *curia*.

That the tenancy-in-chief indeed belonged to the Lupara is borne out by the third inquest cited by Gasdìa.[61] This again is a general inquiry whether in S. Maria della Strada are to be found 'aliquos Prelatos, Comites, Barones et pheudotarios terras castra et pheuda a curia regia in capite tenentes, seu alios qui procurent terras nomine baliatici, et mulieres aliquas ratione [tertiarie] terras seu pheuda tenentes.' The jurors swear that 'dominus Nycolaus de Luparia' [62] holds the casale from King Charles [II], and that he is bound to give the service of one gold ounce, as in fact he has done whenever required by the *curia* from the happy entry of the late King Charles until the present time. This may be put down as the year 1296, in view of the Calabrian expedition. There are moreover several writs addressed in 1297 to Nicolas as vice-admiral of Sicily, which are to be found in the same volume of

[59] App. nn. 12, 13.

[60] Sthamer, *ibid.* p. 28, n. 2. He refers in regard to the third inquest only to the section for the Basilicata (and Principato) preserved in Fasc. 29 (olim 30) and published in a distorted form by N. Cianci Sanseverino (*Campi pubblici di alcuni castelli del medio evo in Basilicata*, Napoli, 1891, pp. 113 ff.). Perhaps the inquests for S. Maria (Fasc. 24, f. 81) and Matrice (Fasc. 24, f. 79, App. nn. 12, 13) are to be added to the records of this inquest; but the subject of inquiry differs from that given for the Basilicata, and seems to have a closer connexion with that of the sixth feudal inquest of 1283–1284. *Cf.* App. n. 12.

[61] App. n. 19.

[62] The reading of the MS. is 'Nyclaus,' as Gasdìa read correctly in 1911, and not 'Marchysius,' as he substituted in 1925; a further suggestion to supply the lacuna after the words 'servitium . . . pecunie unius uncie auri tam pro predicta terra Casalis Sancte Marie de Strata quam' by reading 'pro terra Matritii' is only hypothesis, because the paper bears no remaining trace of words. That it is a likely hypothesis is borne out by the frequent coupling of the two places in regard to the service due and by the statement in 1325 that '*castrum Matricis et Casalis sancte Marie de Strata . . . de feudo antiquo* are held *sub adoha uncie unius . . . .*' See *post*, p. 47, and App. n. 25.

Fascicoli. The reference to his tenure since the entry of Charles I, whereas hitherto Peter alone has been mentioned, may be explained by the joint tenure of the brothers with their mother before her death.

Although these inquests do not bear directly on the quarrel between the abbey and the Lupara, yet incidentally they throw light on its nature. It concerned the rights of the tenant-in-chief of the casale in view of the *servitium debitum* to the crown: he claimed the oath of security and the dues from the vassals of the abbot, which no doubt went to provide the service. The abbot on his part claimed entire freedom from all obligations, so that if he made good his case, the lord would have to meet the service from outside sources of revenue. In English parlance it was the forensic service of the casale which was involved. This reading of the history of the quarrels is borne out by the joint obligation laid on Matrice and the casale of S. Maria della Strada to supply pack-horses to the *curia* in 1300: there was clearly no abrogation of service to the king on the ground that the monastery held quit and free; the only question was whether any part of that service was to be met from the rents of the casale itself.[63]

After the death of Gemma and the division of her inheritance, the careers of her two sons followed divergent lines. Peter continued to show the same violence which had marked his early action against the abbot of S. Maria and Oderisius of Spoleto, and he enjoyed an unenviable notoriety for the part which he played, together with his son Orlando, in the attack on Boniface VIII at Anagni and the seizure of the papal treasure.[64] He was responsible, too, for Orlando's murder of the archbishop of Gran on the same occasion, and it has been suggested that he was actuated by some private quarrel with the archbishop because of the death of his brother Nicolas which had taken place in Hungary. This suggestion of a private quarrel is the more likely since Peter had been in the service of the pope at least since 1301, when he was excused his normal feudal service because he was in the company of Peter Caetani, who had become count of Caserta in 1298.[65] His crimes brought excommunication by Benedict XI and a summons to appear before the king's court. His offence had been the greater because the archbishop had come to the Roman *curia* under the safe-conduct of Charles II. On Peter's failure to appear, a third of his movables was confiscated and his other property was sequestered

[63] P. Egidi, *Codice diplomatico dei Saraceni di Lucera*, 1285–1343, Napoli, 1917 (Società Napoletana di Storia Patria), p. 189, N. 400, an. 1300, 1 Nov., Napoli.

[64] C. Minieri Riccio, *op. cit.* p. 36, doc. XXXII, and P. Fedele, *Per la Storia dell' attentato di Anagni* in *Bullettino dell' Istituto Storico Italiano*, xli, 1921, p. 201, both publish the important document from Reg. Ang. 1304 A, n. 133, fol. 120, of 1304, 7 Sept., Ind. III.

[65] De Lellis, 'Notamenta,' vol. xi, 'Petro de Luparia militi remissio feudalis servicii quia moratur in servicio nobilis Petri Gaietani comitis Casertani domini pape nepotis ecc. in anno 1301' (Arca H, mazzo 38, n. 12). *Cf.* 'Notamenta,' vol. viii, 'Domino Petro de Luparia similis quia moratur ad servicia Summi Pontificis cum nobili domino Petro Gaytano comite Casertano' (Fasc. 2, f. 84 v°.); vol. ix (Fasc. 59, f. 190).

for a year, notably 'Castrum Luparie cum quodam alio casale ipsi castro propineo,' perhaps S. Angelo in Altissimo. Ultimately, the whole estate was given to Berenger of Barbarano; Lupara and Campodipietra henceforth reckoned as 'de feudo novo,' [66] and Peter and his sons disappear from history.[67]

Nicolas, the lord of Matrice and S. Maria della Strada, Gemma's second son, on the other hand, became a well-known and active official in the reign of Charles II. After holding the office of justiciar in Abruzzo and in Terra di Otranto, he was vice-admiral in the Principality of Salerno and Terra di Lavoro from 7 September, 1295, having been appointed by Queen Maria; and on 2 August, 1296, he was made captain of Naples, while retaining the office of vice-admiral.[68] There are plentiful notices of him in his official capacity in the Registri, Fascicoli and Arche of these and the following years, and it is probably to this period of his career that the inquest into his tenure of S. Maria belongs.[69] Three members of the Lupara family, Peter, Nicolas, and Nicolas' son, the younger Peter, are included in a list of barons who were threatened with the forfeiture of their fiefs for failure to appear at the appointed muster, 'coram Roberto primogenito nostro carissimo, duce Calabrie ac in Regno Sicilie Vicario Generali, profecturo in Calabriam felici omine contra hostes.' No doubt the order was not carried out in view of the other services rendered by the Lupara.[70] In 1300 Nicolas was chosen by Charles II to accompany the king's grandson Carobert to Hungary, and there he died before 23 June, 1301. Previously to his departure he had arranged for the administration of his private affairs and the performance of his feudal service by his only son, the younger Peter. A little later the king, because of the extent of his obligation to Nicolas, and because it would be difficult for Peter to fulfil personally both this feudal service and that for the land which he himself held 'in pignore pro parte uxoris sue,' permitted him to discharge it by

[66] The actual order for carrying out the sentence was issued on the same day, Reg. Ang. 1305 A, n. 145, fol. 90, 7 Sept., Ind. III; an abstract is given by Minieri Riccio in *Studi storici fatti sopra 84 Registri Angioini*, Napoli, 1876, p. 102, and Signorina Mazzoleni has supplied me with a full transcript.

[67] The treatment given to Peter's family can only be guessed, because the Register containing the order is lost; *cf.* De Lellis, 'Notamenta,' vol. Iv bis, 'Filiis Petri de Luparia militis foriudicatis provisio' (Reg. 1306–1307 B, f. 93). Frequent orders concerning the tenure of the Barbarano family appear in the Registers. It does not seem impossible that Angelus of Lupara, who was bishop of Boiano between 1338 and 1364, was a son or grandson: that Peter had a son Nicolas who may have been Angelus's father appears from a document of 11 November, 1292, Ind. VI, addressed to the justiciar of the Terra di Lavoro: 'pro parte Nicolai de Luparia, filii nobilis viri Petri de Luparia, militis, devoti nostri, fuit nobis nuper expositum quod tu, ipsum Nicolaum et quondam collectores tercii generalis subventionis anni quinte indictionis nuper elapse, in iurisdictione tua promissi pro gagiis servientium, ad iteratam solucionem certe quantitatis pecunie recollecte et recepte per predictum Nicolaum ab eisdem collectoribus, ut asserit, pro parte dicti patris sui, de pecunia dicti tercii ex commissione tunc ipsi patri suo facta . . .' (Reg. Ang. 1292–1293 B, n. 62, f. 12 v°), Angelus of Lupara was the executor of Philip of Lupara's will, see *post*, p. 48.

[68] Della Marra, *op. cit.* p. 200; L. Cadier, *Essai sur l'administration du Royaume de Sicile sous Charles I et Charles II d'Anjou*, pp. 184 and 280.

[69] See *ante*, p. 43.

[70] 'Pro Curia de destituendis certis baronibus,' 1296, 24 June, Ind. IX (Reg. Ang. 1296 A, n. 81, f. 42).

a money payment on the usual scale.[71] The fief held in pledge for his wife's dowry was the *castellum* of Spinete,[72] with the vassals of which he had difficulties in 1305 concerning the oath of security. When the news of his father's death arrived, Peter, as the only surviving son, claimed possession of the paternal lands held 'immediate et in capite a curia,' and after rendering liege homage and fealty, the relief being remitted, he was allowed 'assecurari se ab hominibus terre feudalis.' [73]

Peter, who was known as 'Petrus junior' to distinguish him from his too famous uncle, settled down to a long tenure of Matrice and S. Maria della Strada, since he lived until 1341. He was occupied in adding to the territorial possessions of his family, which continued to live Lombard law, and he found the most fruitful source of aggrandisement in negotiating advantageous marriages for his children. He formed in this way close alliances not only with neighbouring feudal lords, but also with the numerous official nobility of the court, thus making the most of a connexion which he owed to the favour enjoyed by his father Nicolas. His tenure of Matrice and S. Maria, however, was not altogether smooth, and in 1309 he had trouble with the *curia* about these hereditary fiefs, and also about Campolieto, which had come into his hands by some means unknown.[74] There is an order extant in which Charles II narrates how he had understood that Peter held Matrice and its casale 'in fraudem curie,' and had therefore sold it to William Alamagnus his *familiaris* and later on *magister hostiarius*, lord of Ripa Limosani and Petrella. He was now convinced that this was an injustice, and revoked the grant. Peter was restored 'in possessione et proprietate castri seu casalis jurisdictionis,' [75] and in 1316 he was among the barons summoned to the muster at Seminara for the Sicilian expedition.[76]

About this time, too, a definite alliance between the houses of Lupara and Alamagnus was cemented by two marriages. Some time before 1316 Nicolas, Peter's eldest son had married Beatrice de Barras, the widow of William's eldest son, another William Alamagnus; and in this year Peter's

[71] C. Minieri Riccio, *Saggio di Codice diplomatico*, Supplemento, Parte 2, Napoli, 1883, p. 36, note (1), refers to the relevant documents as Reg. Ang. 1300 X, n. 105, f. 64 (1300, 30 May, Ind. XIII, Naples); Reg. Ang. 1300 A, n. 106, f. 249 (1301, 23 June, Ind. XIV, Naples), and Reg. Ang. 1300 A, n. 106, f. 255 (1301, 10 July, Ind. XIV, Naples). Of these Signorina Bianca Mazzoleni has kindly sent me transcripts, as well as of another relevant document, Reg. Ang. 1301 B, n. 107, f. 37 (1301, 23 June, Ind. XIV).

[72] Reg. Ang. 1306 A, n. 156, f. 126 (1305, 3 Dec., Ind. IV).

[73] App. n. 21.

[74] De Lellis, 'Notamenta ex Fascicolis,' vol. viii, 'Domino Petro de Luparia domino castri Campileti provisio contra Guillelmum Alamagnum dominum castri Ripe (Fasc. 13, f. 204 v°).

[75] App. n. 22. For William's tenure of Ripa Limosani and Petrella, see G. V. Ciarlanti, *Memorie historiche del Sannio*, Napoli, 1644, p. 395, and for Pietracupa and Pietrabbondante, p. 361, where he is also called 'Maestro delle foreste, e poscia fatto Vicario del Principe Carlo II nel 1284.'

[76] De Lellis, 'Notamenta,' vol. iv, 'Feudatariis terre Laboris et Comitatus Molisii mandatum quod se conferant in terra Seminarii ad prestandum feudale servicium etc., nomina feudatariorum sunt videlicet . . . Petrus de Luparia' (Reg. 1316 C, fol. 32, now lost); and 'Barones Terre Laboris et Comitatus Molisii electi ad eundem in Calabria . . . Petrus de Luparia' (*ibid.* f. 51, now lost). *Cf.* R. Caggese, *Roberto d'Angiò e i suoi tempi*, Florence, 1921–1930, ii, 167.

daughter Clementia married John, also a son of William, with elaborate arrangements about dower and dowry secured on Petrella and Rocca Petrella.[77] The marriages were soon dissolved by the deaths of Nicolas and John, and Clementia became the wife of Manfred of Monforte, the brother of Riccardellus Gambatesa.[78] In the same year Peter, disappointed in the early death of his eldest son, was occupied in lengthy negotiations for the marriage of his remaining son Philip with Frances co-heiress of Alexander of Boiano, a *magister rationalis* of the court and a member of an official family high in favour, with elaborate settlements and provisions for Philip to receive a due share of the lands of Alexander and his wife Joanna de Monte.[79] Besides marriage settlements, Peter was involved in a lawsuit about a third part of Castellino,[80] in which he seems to have been successful, since his son Philip held the place considerably later.[81] As a result of all these efforts, the Lupara possessions were notably increased, as is witnessed by the very interesting inquest of 1325, ordered no doubt for the new expedition against Sicily in this year.[82] Philip, who had on occasion handed over to the *curia* the money services due from his father,[83] now made the returns for them both.[84] His father's fiefs were Campolieto 'de feudo novo' of the annual value of twenty ounces, held by the service of one knight, and Matrice and S. Maria della Strada, described, as we should expect, 'de feudo antiquo sub adoha uncie unius et sub servitio proinde contingente. Quod servitium est uncie XXI in pecunia ac miles unus et servicium contingens pro uncia una.' Philip offered for the personal service owed by him and his father, himself and three men, Berard and Thomas of Matrice and Nicolas of Azzano, and he describes carefully the colour and peculiarities of their four horses, giving the marks with which they were branded. At the same time he returned his own fiefs separately from his father's; they consisted of Castrum Correctesii (Colledanchise), a 'feudum novum,' how obtained he does not state,[85] and the

[77] App. n. 24.

[78] Reg. Ang. 1330 B, f. 9, *Perduto*, cit. De Lellis, 'Notamenta,' vol. iv bis, 'Clementia de Lupara consors Manfridi de Monteforte.' Owing to the loss of the Register, it is not possible to verify the date.

[79] Reg. Ang. 1322 A, n. 242, f. 220 v°; document of 1322, 12 May, Ind. V, incorporating another of 1320, 19 June, Ind. III.

[80] Reg. Ang. 1305 A, n. 145, fol. 151 v°. This mandate is dated 'Neapoli per Bartholomeum de Capua militem die XXVII madii III indictionis,' which must be interpreted as 1320, because of the reference to 'nostri capituli beneficium super violentis destitutionibus novissime editi,' *i.e.* the legislation of King Robert in 1317 (R. Trifone, *La Legislazione angioina*, Napoli, 1921, p. 172, n. xcviii).

[81] De Lellis, 'Notamenta.' vol. iii, 'Philippo de Luparia . . . provisio contra vassallos suos . . . castri Castellonie (?) ad prestandam subventionem' (Reg. 1334–1335 E, fol. 238 v°).

[82] Caggese ii, 214 *seq.*; *cf.* De Lellis, 'Notamenta' vol. ii, 'Mandatum quod barones et pheudatarios se presentent in Calabria ultra ad praestandum servicium quorum nomina sunt videlicet . . . dominus Petrus de Luparia' (Reg. 1324 A, fol. 10).

[83] De Lellis, 'Notamenta.' vol. iii, 'A domino Petro de Amatricio sic per manus Philippi filii sui pro Campoleto uncias 10 tarenos 15, et pro Matricio cum Casali sancte Marie de Strata quod tenet in feudum antiquum uncias 1 ultra ipsum servicium ecc.' (Reg. [*Perduto*] 1322 C, f. 92).

[84] App. n. 25.

[85] Further references to Philip's tenure of this castrum are to be found in De Lellis, 'Notamenta,' vol. iii, Reg. 1335 C, f. 37; 1334–1335 C, f. 187 v° (this register is not in Conte Riccardo Filangieri di Candida's list); 1334–1335 E, f. 238 v°; 1340 A, f. 47, 48. I would suggest

lands held in right of his wife. From 1336 King Robert was again mobilising all his forces and liquidating all the remaining wealth of the country for a supreme final push against Sicily.[86] In May 1337 Peter of Lupara by the hand of his son Philip paid a twofold adohamentum or feudal service on account of the years 1333 and 1335 for the castrum of Matrice, and the casale of S. Maria della Strada, amounting to four ounces in silver carlenes.[87] Philip for his part pledged Colledanchise for 350 ounces,[88] and since he was to serve in person in Sicily, he obtained the permission of the *curia*, in view of his perilous situation, to make his will. His son Louis had just died as a child, and he therefore gave the reversion of Campolieto to his nephew John the son of his brother Nicolas, and he instituted as his heirs general his two little daughters, Margaret and Joanna, who were still under ten years old, with Angelus of Lupara the bishop of Boiano as their guardian.[89] His worst fears were justified, for he seems to have died on the Sicilian expedition. He never entered into possession of Matrice and S. Maria, because his father survived him by about two years.

Peter spent the end of his life in further efforts for family aggrandisement in spite of the death of his sons, and he had the satisfaction of obtaining the king's consent for the dowry of his granddaughter Margaret, the daughter of his elder son Nicolas and Beatrice de Barras, on her marriage with Charles de Stella, himself an esquire of the royal bodyguard, and the son of the chamberlain Perrinus de Stella of Capua.[90] He died between the date of this settlement on 1 April and December 1341, for in this latter month his descendants paid relief for Matrice and S. Maria della Strada 'de antiquo feudo.'[91] They were Thomas the grandson of Nicolas, and Margaret and Joanna, the daughters of Philip, 'heredibus et successoribus legitimis quondam domini Petri de Luparia, longobardo iure viventibus'; and in January 1342 their payment of the arrears of service due for the years 1340 and 1341 is duly noted.[92] No

that this castrum, whose name is given variously as Correctisii, Correttisiis, Corichisii and Cornachitis, is in fact Colledanchise. The origin of this place and its name seems never to have been traced; this identification is confirmed by the statement (Reg. 1335 C, f. 37) that a certain mill in dispute was situated 'inter territorium dicti castri Baronelli et castri Cornachitis,' since the territory of Baranello does in fact march with that of Colledanchise. A slightly different form of the word, Corranquisium, is found in the document of 1 Nov., 1300, ordering the supply of pack-horses (P. Egidi: *Codice diplomatico dei Saraceni di Lucera* (Soc. Nap. di Storia Patria), Napoli, 1917, p. 189, no. 400).

[86] Caggese, vol. ii, pp. 239–243.

[87] App. n. 27; he had already paid two ounces in 1327, App. n. 26.

[88] De Lellis, 'Notamenta,' vol. iv bis, from Reg. Ang. 1337–1338–1339, f. 88, *Perduto*, 'Guillelmo, Petro et Bernardo de Brusato nepotis fratris Arnaldi archiepiscopi beneventani, assensus super obligatione castri Cornachitis in comitatu Molisii eis factam per Philippum de Luparia pro certo deposito unc. 350.'

[89] Reg. Ang. 1337 A, n. 308, f. 71, document of 1338, 10 May, Ind. VI. For his son Louis, see Reg. Ang. 1335 D, n. 299, f. 259 (document of 1336, 21 April, Ind. IV).

[90] Reg. Ang. 1340 A, n. 321, f. 48 (document of 1341, 1 April, Ind. IX).

[91] App. n. 28.

[92] App. n. 29; the exact descent of Thomas of Lupara is somewhat obscure. The payments both of the relief and the arrears of service were made by 'Thomasio de Luparia filio Johanne de Luparia nepote ex quondam Nicolao de Luparia,' and this description occurs three times. The only children of Nicolas who have hitherto appeared were Johannoctus and Margaret. Johannoctus certainly survived his grandfather, since he succeeded to Campolieto, and Margaret was alive in April 1341. Thomas of Lupara was apparently the son of another

further information about Thomas is at present available, but it is clear that Margaret and Joanna, the daughters of Philip of Lupara, inheriting as they did the bulk of the lands of their grandfather and of their father and mother, were heiresses of some importance,[93] and by their marriages were drawn still closer into the court circle at the end of the reign of King Robert. Margaret, one of the 'damigelle' of the duchess of Calabria, became the wife of Raimundellus, son of Charles de Cabannis,[94] himself the eldest son of the famous Raimund and Philippa la Catanese. Joanna married Antony de Lando of Capua, the son of John de Lando, a *magister rationalis* of the *magna curia*.[95] The information concerning the two sisters which has survived the cataclysms of the reign of Queen Joanna concerns their lands other than Matrice and S. Maria. Margaret and her husband may have perished in the overthrow of the de Cabannis after the murder of King Andrew; in any case, Joanna is called 'lady of Ferrazzano, Rocca and Oratino,' and her son John de Lando seems to have had full rights of disposition over Ferrazzano (a fief originally shared by Margaret and Joanna) when he sold it in 1373 to Philip Santangelo, lord of S. Angelo in Grotte.[96] As to Matrice, all that is known at present of its history in the later fourteenth century is that it passed into the hands of the da Ponte and later of the Santangelo.[97] Here for the purposes of this study it must be left, after tracing its history and that of S. Maria for 200 years from the foundation of the abbey.

In spite of their long tenure of the fief, the Lupara have left no direct mark on the structure or monuments of the church; yet it is perhaps not altogether fanciful to attribute the presence of certain coats-of-arms in the building to the influence of Clementia of Lupara, who married Manfred of Monforte about 1330. One of these coats is found on the beautiful tomb of the fourteenth century, which, like the armorial bearings, has been the subject of

daughter of Nicolas, Joanna, who is described as alive in the document of 1341 and 1342, but it is curious that her name is given without any mention of her husband. The suggestion that 'Johanne' is a mistake for 'Johannis,' thus making Thomas the son of Johannoctus, is difficult to reconcile with the grant, made by King Robert, who died in January 1343, of Campolieto to Margaret's husband, Charles de Stella, because Johannoctus had died 'sine liberis' (Reg. Ang. 1343 E, f. 120 v°, *Perduto*, and Reg. Ang. 1343 H, f. 17). The fact that neither Johannoctus nor Margaret inherited any share in Matrice may have been due to some arrangement made by Peter to provide for Joanna and her son, like the provision already made for the others.

[93] From their mother they had a half of Licinoso and Morrone (in the Contado di Molise) and Casandrino (near Aversa), while Pontelandolfo was sold in accordance with Philip's will; from their father they had the fiefs which he bought from Queen Sancia, Oratino, Rocca Rodoboni and Ferrazzano. The references are given by De Lellis, 'Notamenta ex Registris,' vols. iii, iv bis, v and vi; and 'Notamenta ex Fasciculis,' vols. viii, ix, x and xi.

[94] De Lellis, 'Notamenta,' vol. iii, from Reg. Ang. 1328 C, n. 314 f. 297 v°, 'Margarite de Luparia uxori Raimundelli de Cabannis domicelle domine ducisse'; and *inter alia*, *ibid.* vol. vi, from Reg. Ang. 1338–1339 E, f. 7, *Perduto*, 'Carolo de Cabannis militi qui tenet penes se Margaritam de Luparia filiam et heredem quondam Philippi de Luparia, nurum dicti Caroli provisio pro taxatione alimentorum condignorum et ibi taxantur alimenta et servitia.'

[95] De Lellis, 'Notamenta,' vol. vi, from Reg. Ang. 1343 E, f. 33, *Perduto*, 'Johanni de Lando de Capua milite et Antonio eius filio assensus super obligatione feudalium et matrimonium inter dictum Antonium eius filium et Iohannam de Luparia dominam castrorum Ferraczani, Rocce et Loratini,' and numerous other references.

[96] Masciotta, vol. ii, p. 163.

[97] *Ibid.* p. 212; Masciotta gives a fairly full summary of its subsequent feudal history.

prolonged discussion in regard to the individual commemorated; the second is on the holy-water stoup, belonging, to judge from the style of the sculpture, to the fifteenth century. The tomb bears the Aquino coat-of-arms, bendy of six argent and gules, and there can be no reasonable doubt that it marks the burial of Berard of Aquino, Count of Loreto, who died in 1345. The whole style of the monument shows the closest resemblance to the monuments of other members of the house of Aquino, which were made by the school of Tino da Camaino in the second half of the fourteenth century, and set up in the chapel of the Pietà in S. Domenico Maggiore in Naples.[98] But how did it happen that Berard elected to be buried in S. Maria della Strada? The reason will be found in all probability by following the history of Clementia of Lupara. Her brother-in-law was that Richard of Monforte who took his mother's name of Gambatesa, and married Thomasa of Molise, daughter and heiress of William of Molise, the last of the old Norman lords of Campobasso and S. Giovanni in Golfo.[99] Their son was Charles Gambatesa, Count of Morcone, who married Sancia de Cabannis, and he ultimately took Campobasso and S. Giovanni to the Gambatesa. But in the meantime Richard had been killed during the Sicilian expedition of 1338, and the next year Thomasa married Berard of Aquino, count of Loreto. Berard thus became a near neighbour of S. Maria della Strada, and elected to be buried there. The tomb will receive consideration later on from the artistic standpoint, but it is satisfactory that the problem of the coat and of the man whom it commemorates should at length have been solved. Equally satisfactory is the identification of the coat on the holy-water stoup as the arms of the Monforte, by the help of Senatore Benedetto Croce's study on the family.[100] Here, clearly enough, is the blason, Or, a cross between four roses; and it is tempting to connect its appearance with Clementia, a widow by 1340, and her son Petrucius.[101] But this is, in truth, not very likely. Petrella read the date on the holy-water stoup as 1363, ind. XII; [102] these elements in the date are incompatible, and 1343, which coincides with the twelfth indiction, might be substituted, were it not that the sculpture is of the fifteenth, and not of the fourteenth century, while the lands of Petrucius of Monforte were situated

[98] F. Scandone, 'D'Aquino,' in P. Litta, *Famiglie Celebri Italiane* (Seconda Serie), Napoli, 1905–1909, tav. xxvi and xxvii, and plate illustrating the tombs of Giovanna d'Aquino, wife of Enrico Sanseverino, Conte di Mileto, *d.* 1345, and Tommaso II d'Aquino, Conte di Belcastro, *d.* 1375. There is some error here, for in the text (tav. xxvi) Giovanna was the wife of Ruggiero Sanseverino, Enrico being their son; and the count who died in 1375 was Tomasello, grandson of Tommaso II. The latter had died by 1339. See Pl. VIII, 2.

[99] B. Croce, *Rettificazione di dati biografici riguardanti Cola di Monforte Conte di Campobasso e la sua famiglia* (Accad. di scienze morali e politiche della Soc. Reale di Napoli), Napoli, 1932, pp. 10–12. *Cf.* F. Scandone, 'D'Aquino di Capua' in P. Litta, *Famiglie Celebri Italiane* (Seconda Serie), Napoli, 1905–1909, tav. xxx.

[100] Croce, *op. cit.*, p. 30.

[101] De Lellis, 'Notamenta,' vol. iv, 'Clementie de Lupara relicte quondam Manfridi de Monteforte provisio contra Petrucium de Monteforte eorum comunem filium pro restitutione dotium unciarum 300' (Reg. 1340 A, fol. 8 v°) (this leaf is missing from the Register).

[102] Petrella, p. 89.

at S. Croce and Castralbatite. But the twelfth indiction is again that of the autumn of 1463, precisely the date displayed, as Croce has pointed out, on the Monforte coat which formerly adorned one of the city gates at Campobasso. Other examples of the same coat exist; one at the Porta Sant' Antonio with the date A.D. MCCCCLIX, and another over the gateway of the castle of Campobasso, itself the work of the famous Cola di Monforte, count of Campobasso (1428–1478). All his history has been worked out by Croce, and the date of the arms on the holy-water stoup suggest that the gift was made at the time of his greatest prosperity, when he was rebuilding Campobasso after the earthquake of 1456, and perhaps helping to repair the damage to the furniture of S. Maria. Thus a further ray of light is thrown by the identification of these coats-of-arms on the fortunes of the church of La Strada, before *commendam* and spoliation led the way for its complete ruin by the seventeenth century.[103]

II

The architecture and sculpture of S. Maria della Strada have raised as many questions as its history, and as many opinions have been expressed in regard to the artistic import and value of the building itself and of the tomb within it. The older Molisani writers, such as De Gregorio and Ambrosiani, are enthusiastic in their praise of the church, and it was described by Aurini as a 'gioello d'arte abruzzese.' [104] D'Avena, who published photographs by the Ingeniere Magliano,[105] was concerned only with the works of restoration carried out in 1888, such as the rebuilding of the upper part of the campanile and the repair of the roof. In the section dealing with the art of Molise, Bertaux in his great work gives a brief description of the church, pointing out that it was built of ancient stones from the ruins of Fagifulae, arranged in alternate courses of large square and small oblong blocks. He calls attention to the uniformity of style, with no signs of subsequent alteration or addition, except for the internal vaulting, which he ascribes to the fourteenth century. The original building he is inclined to place as late as the beginning of the thirteenth century, basing his opinion on the rose window of the west front, supported by two half figures of calves and surmounted by an eagle.[106] He treats the whole as a belated example of the style of the preceding century, which had survived in a backward part of the country. Indeed, he is somewhat inexplicably severe in his judgement of its architectural merits, and when he

[103] Gasdìa has published or noted many documents dealing with the later history of the church and abbey.

[104] Cit. E. D. Petrella, *op. cit.*, p. 83.

[105] D'Avena, *op. cit.*; see *ante*, p. 1, and Pl. I, 2.

[106] E. Bertaux, *L'art dans l'Italie Méridionale*, Paris, 1904, pp. 512, 513.

comes to consider the sculpture, he dismisses it as work clumsy as a child's, and the subjects represented as wholly unintelligible. But he saw the similarity of the church to that of S. Maria di Canneto at Montefalcone del Sannio, and gave it as his opinion that both churches were the work of a local artist.

Gasdìa carried out a careful examination and measurement of the building; its history, however, he leaves as an impenetrable mystery, and his conclusions that the sculpture of the west front dates from the second half of the thirteenth century are vitiated because he considers that Peter of Lupara may have been repeatedly represented there, thus assuming historical evidence for the date.[107] He inclines, moreover, for no explicit reason, to the view that the architectural inspiration came from S. Sofia di Benevento. Petrella, who had not himself examined the church, adopts this view with enthusiasm: he assumes Apulian influences rather than Campanian, and suggests that S. Maria may have to be withdrawn from the Cassinese sphere in order to find its artistic parentage 'sotto i capitelli di S. Sofia.' He makes, however, a valuable suggestion in attributing the building to *magistri lapidum*, though scarcely the enigmatic wandering 'compagnie commácine.' [108]

In regard to the building, then, two chief problems have arisen: (1) the date of its construction, and (2) the school of architecture and the artistic influences to which it owes its conception and execution. These problems are so closely interlocked that they must be studied together. The date of the consecration of the church at least has been settled by the notice of it in 1148; [109] the consecration presupposes that the building was sufficiently advanced for divine worship to be held, but it does not necessarily imply that it was complete with its sculpture and all its furnishings at this time. It has indeed been suggested that the façade shows signs in the jointing of the tympana and central doorway of subsequent insertion, while the inconography has been held to be inconsistent with so early a date. On the other hand, that the mid-twelfth century was the period of its completion, with the exception of the vaulting, can be shown by the study of the ground-plan and the details of construction in relation to other work of the time. Moreover, the iconography of the church of La Strada, instead of offering, as Bertaux would have it, a series of unintelligible scratchings, presents a number of episodes, unique for the period, taken from chansons de geste and romances, whether based on the story of Alexander the Great, of Roland, or of Fioravante-Ottaviano.

A careful examination of the church in the first place confirms Bertaux's

[107] Gasdìa 1925, pp. 37, 51–52.
[108] Petrella, pp. 86, 88.
[109] App. n. 1.

opinion that there was a close relation with S. Maria di Canneto, and in the second makes plain beyond all doubt the clear affinities of both, and in particular of S. Maria della Strada, with the work of the lesser Benedictine Schools of the Abruzzi. These emerged in the twelfth century, and carried on the great tradition of the School of S. Liberatore and its derivative at Valva, while showing at the same time original features, due perhaps to contact with Rome and Sicily. I have been unable myself to examine S. Maria di Canneto, and I am therefore thrown back on photographs, and on the description given by Bertaux: [110] that of Schulz taken at second-hand from an unnamed author cannot be trusted in all points.[111] Both churches have the form of a small basilica with three aisles of five bays, divided by squat pillars carrying semi-circular arches. Santa Maria della Strada has three apses, and has no space between the presbytery and the aisles. There is no information as to this available for Canneto. Both churches have a separate campanile: at the west front at La Strada, further east at Canneto. Both no doubt were originally roofed with wood, but at La Strada a later stone vault has been substituted. At Canneto the pillars on one side of the church are rectangular piers, on the other they consist of antique columns cut in two, while the capitals have the form of irregular prisms, grooved with lines, which in a vague way represent volutes. The west doorway is adorned with fig-leaves on the capitals of the pilasters, which support the arch, while it is itself decorated with meandering vine-branches. In the tympanum is a row of heads following the semi-circle of the arch, and below, resting on the architrave, is the *Agnus Dei* with the cross on his shoulder, and a winged lion or griffin, all very roughly executed. The name of an abbot Rainald is carved beneath. Schulz adds the information that six antique sepulchral inscriptions were built into the tower, which also bore two great lions with ram's heads in their claws, and two lions may be seen projecting from the façade, just as the calves project at La Strada, where, too, a ram's head in the round juts out from a wall. Something of the technique of the sculpture at Canneto, as well as the structural plan, is found also at S. Maria della Strada, but there the carving and masonry are far finer and more elaborately executed, and it is impossible to accept Bertaux's stricture that the artist 'était littéralement un sauvage' in view of the development attained in technical skill and iconography. The suggestion may be hazarded that S. Maria della Strada was the work of the same school at a later and more advanced stage of artistic maturity.

Our knowledge of the Abruzzesi schools of architecture has been put

[110] Bertaux, *op. cit.*, p. 512.

[111] Heinrich Wilhelm Schulz, *Denkmäler der Kunst des Mittelalters in Unteritalien*, 2 vols and atlas, Dresden, 1860, vol. ii, p. 49.

on a firm basis by the masterly studies of Gavini,[112] and thanks to him it is possible not only to relate S. Maria della Strada with the general ground-plan and structural features adopted by these schools, but also to see in the sculptural detail and material employed a most interesting early example, as I venture to affirm, from the studio of Roger, Robert and Nicodemus, whose activity has been traced by Bertaux [113] and later by Gavini [114] in a number of Abruzzesi churches, for the most part belonging to the sphere of active Cassinese influence. Two separate schools within the lesser Abruzzese group have been distinguished by Gavini; but they seem nevertheless to overlap and merge the one in the other. The earlier of the two is found at S. Maria in Cellis at Carsoli in the year 1132, where two masters were at work. To one of them are due the sculptured stone doorways and the pulpit with an eagle and Easter candlestick, while the elaborate wooden doors came from a second hand. This artist transferred his studio to S. Pietro d'Albe, and the tradition was continued at S. Maria in Valle Porclaneta at Rosciolo by a certain master Nicolas. It is perhaps significant that all three churches are in the county of the Marsi, and two of them had been given by the counts to Monte Cassino.[115]

The later of these two minor schools, that of Roger, Robert and Nicodemus,[116] makes its appearance sometime before 1150 in the ciborio in the church of S. Clemente al Vomano, which is the work of Robert and his father Roger. About the same period Robert was summoned by the Benedictines of S. Maria in Valle Porclaneta to execute an ambone, and he transported his studio there, this time without his father, but with his colleague Nicodemus and other masters. In 1151 Nicodemus carried out an interesting ciborio in a kind of cement or stucco in the church of S. Cristinziano at S. Martino sulla Marrucina near Guardiagrele, but later modifications have here left us but a poor example of the master's art. It reached its highest achievement at S. Maria del Lago at Moscufo, where in 1150 Nicodemus, besides erecting the magnificent ambone in a similar material vividly coloured, worked on the capitals of the pillars of the nave, since these are clearly not of the Valva School which originally built the church. The ambone at S. Stefano di Cugnoli, dated 1166, shows the marks of the master's genius in the delicacy and precision of the work and in the general arrangement, although Nicodemus' name is not actually recorded.[117] Finally Gavini would trace the art of Nicodemus at

[112] I. C. Gavini, *Storia dell' architettura in Abruzzo*, 2 vols, Milano-Roma, 1926-1928, and *Sommario della storia della scultura in Abruzzo*, in *Atti e Memorie del Convegno storico Abruzzese-Molisano*, Casalbordino, 1933, vol. i, pp. 357-359.

[113] Bertaux, *op. cit.* pp. 560–566.

[114] Gavini, *Storia dell' architettura* vol. i, cap. iii, *Le scuole minori*, pp. 165 *seq.*

[115] *Ibid.*, pp. 165–178.

[116] *Ibid.*, pp. 178 *seq.*, and p. 292; vol. ii, pp. 218 *seq.*, and Bertaux, p. 560.

[117] For illustrations see Schulz, Atlas, tav. i, iii, and Bertaux, Pl. xxiv, and Figs. 255, 256, besides Gavini *passim*.

S. Clemente di Casauria, the mother church of its namesake on the Vomano, since fragments of a ciborio of the twelfth century have been found bearing the marks of his style. With much probability they were executed when the master was at work in the valley of the Pescara at Moscufo and Cúgnoli. The two schools—that which originated at S. Maria in Cellis and that of Robert and Nicodemus—have much in common. They inherited the tradition of S. Liberatore in the prevalence of the palmette and vine decorations; in the low relief employed, or even the mere incising of the pattern without any relief; and in the delicacy, repose and rhythmical arrangement of the stylised forms employed, whether these were traditional or original. They were alike, too, in that they were chiefly engaged in the ancillary work of carving doorways and capitals, and in providing screens and amboni and cibori in already existing churches. Nevertheless, the school of Nicodemus has remarkable original characteristics, which are seen in the use, side by side with the flat relief, of bold sculpture in the round; they are seen, too, in the use of coloured stucco or cement as the material for amboni and canopies; and they are seen in the elaborate compositions and the developed symbolism displayed.

Nearly all these churches, like S. Maria di Canneto, and perhaps S. Maria della Strada, belonged either to Monte Cassino or were founded by monks from it. We may go even further, and trace the activity of Roger, Robert and Nicodemus to the direct patronage of the great abbot of Monte Cassino, Rainald of Collemezzo, who held the abbatial chair from 1137 to October 1166. In no less than three of the churches is an Abbot Rainald mentioned: at Cúgnoli there is an inscription to the effect that 'abbas Rainaldus hoc opus fieri fecit' in 1166.[118] He has been identified by Piccirilli with the 'Rainaldus istius ecclesie praelatus,' who likewise ordered the works at Moscufo, and it has been suggested that he was translated from S. Maria del Lago to Cúgnoli; [119] but it is much more probable that both inscriptions record the abbot of Monte Cassino. The phrase 'istius ecclesie' cannot refer to S. Maria del Lago, which would have been described as 'hujus ecclesie,' and therefore some other church seems to be intended: and what is more likely than Monte Cassino? There is a third inscription recording an 'abbas Rainaldus' which comes this time from S. Maria di Canneto. Bertaux regards him as unknown to history, but the writer followed by Schulz speaks of a visit of the abbot of Monte Cassino recorded in a long inscription, and it may well be that they should be identified.[120]

The architectural affinities between S. Maria di Canneto and S. Maria

[118] Bertaux, pp. 562–563, for the inscriptions at Moscufo and Cúgnoli, and p. 513 for the reference to that at Canneto. For this last *cf* the photograph by the Istituto nazionale LUCE, N. 12137.

[119] Gavini, vol. i, p. 193, quoting Piccirilli.

[120] Schulz, vol. ii, p. 49.

della Strada have been sufficiently insisted on, and the subject of this paper is more particularly S. Maria della Strada. The general likeness of the ground plan and elevation of this church to the churches of the S. Liberatore-Valva School is obvious. They follow the regular Benedictine plan, and S. Maria della Strada reproduces chiefly the scheme distinguished by Gavini with the letter C.[121] Here is the rectangular form, the three aisles and the three apses, each with its small round-headed window, a type repeated in the three windows on the south side of the church in the simple clerestory. The plan would serve equally for the builders of S. Maria del Lago or S. Angelo in Pianella and for S. Maria della Strada, except that in the Molisan church there is no space between the aisle and the presbytery in each apse. The same general likenesses, too, can be seen in the sculpture and decoration. But besides this general resemblance, there is a much closer resemblance between the work at S. Maria della Strada and that of the school of Robert and Nicodemus. This can be traced definitely in the detail of the sculpture, whether it is found on the capitals of the nave arcade, or in the fragment of the ambone inserted into the Aquino tomb, or on the west front and south door. The decoration is never precisely the same in every particular, but the similarity of motive and treatment is very striking.

Comparison between the nave capitals with their characteristic square abacus and those of the Abruzzesi churches is interesting. For instance, the design of roses within continuous encircling grooved bands on the second capital (*i.e.* next the altar) of the south arcade (Pl. V, 3) is found in a less developed form at S. Maria in Valle Porclaneta (Gavini, Fig. 56);[122] the third capital, with the simple grooving that represents acanthus or palm (Pl. IV), suggests in treatment, though not in design, the half-capitals against the wall of the ciborio at S. Cristinziano (Gavini, Fig. 224);[123] the fifth capital (Pl. VII) shows vigorous carving of the conventional vine motive, and the rhythmical acanthus leaf design below it is suggested at Moscufo (Gavini, Fig. 226). The similarities on the north side are no less striking; the band of narrow leaves without veining, set vertically side by side on the third capital (Pl. IV), is found at S. Angelo di Pianella (Gavini, Fig. 160), while the delicate veining of the leaves on the fourth capital (Pl. VI), like those round the arch of the south doorway (Pl. XI), is found at Moscufo (Gavini, Fig. 230). The fifth capital of the north arcade at La Strada (Pl. V, 4),

[121] Gavini, vol. ii, p. 334.

[122] The same type of roses occurs also at S. Maria in Cellis at Cársoli (Gavini, Fig. 201).

[123] The design is found on the capital in the crypt of S. Giovanni in Leopardo at Borgocollefegato, another Benedictine church of the Valva school (Gavini, Fig. 434), and the same church offers an example also of the rhythmical grooved acanthus-leaf design noted below (Gavini, Figs. 184, 185).

especially in the palms at the angles, recalls the half column at Moscufo (Gavini, Fig. 227). This capital and that opposite to it in the south arcade, with their marked parallels at Moscufo, may with confidence be ascribed to the chisel of Roger or Robert, at a period, it may be, before the school came to its maturity in the work of Nicodemus.

Their hand is equally obvious in the sculpture in the round. Examples of this are found in the eagle with a man's head under its claws surmounting the gable of the west façade, and the flanking half-figures of calves which project from the wall on either side of the rose window. The eagle is much weather-worn, and it is hard to relate it to its artistic affinities; but the calves recall, especially in the treatment of the forefeet, the representation of the evangelist St. Luke on the ambone of Moscufo.[124] More remarkable than this work on the façade is the sculptured eagle holding a book and the angel transfixing a dragon which to-day are found inserted in the upper storey of the Aquino fourteenth-century tomb against the north wall inside the church.[125] Gasdìa has carried out a minute examination of the tomb, and has called attention to the plain fact that the monument as it appears at present is not a single work carried out by a single artist. He observes that the greater part is of a marble very different from the 'sasso di natura gessosa' used for the eagle and the angel, which also show, unlike the rest of the tomb, traces of colour. They betray, moreover, 'un' arte ingenua, primitiva, più intonata con l'insieme della facciata della Badia, quell'espressione che il Bertaux definì a sua parte selvaggia. Furono dunque due artefici a costruire il cenotafio . . . e non affatto contemporanei.' Gasdìa explains the dualism of the monument by supposing that this more primitive part was designed by the monks as a tomb for the first abbot; that the work was interrupted, and completed later as a tomb for a lady of the Lupara family. Petrella, on the other hand, while regarding the tomb as a whole as the work of a fourteenth-century artist and the effigy as that of a layman in civilian dress, thinks that it was finished in haste, and sees in the angel and the eagle terra-cotta figures which could be purchased in the market-place at Naples. But the way in which this portion of the sculpture is crammed into a space too small for it, as well as the rough broken edges of the lower of the two figures in particular, at once raises the question whether it has any connexion at all with the fourteenth-century tomb. The fragment under discussion consists of an eagle with spread wings in full relief and a long tail forming a broad fan. He stands on an open book, grasped in his claws; and written on the book in typical uncials of the twelfth century, sharp and clear, is the verse: 'More volans aquile verbo petit astra Johannes,' taken

[124] Pl. III and Pl. XII.

[125] Pl. VIII.

from the *Carmen Paschale* of Coelius Sedulius,[126] and a reference, as Gasdìa saw, to the evangelist. The book in its turn rests on a low plinth surmounting a flat wall-surface, and against the wall in high relief, but not wholly disengaged from it, is the winged figure of an angel; the left hand is raised in an attitude of prayer or blessing, while the right holds a spear thrust vertically into the jaws of a dragon beneath the angelic feet. The hair, flowing to the shoulders, is turned off the face, and still bears traces of yellow colouring; the long-sleeved green dress shows elaborate embroidery at neck, arm-holes and wrists, and it is covered by a long cloak thrown over the left shoulder; the right shoulder and both arms are unhampered by the cloak, and the dress reappears beneath it at the feet. The fragment is clearly part of an ambone, and the whole treatment recalls vividly the work of Robert and Nicodemus. The 'sasso gessoso,' as Gasdìa has called it, is closely allied to the hard stucco in which they worked, and their characteristic use of colour is here present. The peculiar treatment of the wings, both of the eagle and the angel, with the sharp division between the wing-coverts and the flight pinions, as well as the method of indicating the individual feathers, closely recalls the ambone at Moscufo, as do also the tail and the legs of the eagle, except that at S. Maria della Strada these latter are entirely bare of feathers. The tall, muscular eagle braced to support the reading-desk which he must once have upheld differs in precisely the same way as do the eagles of Moscufo and Rosciolo from the short, thick birds bowed under their burden at Ravello and Salerno. The dragon with twisted tail and jaws full of teeth, writhing beneath the feet of the angel at La Strada, has the tail of the dragon of S. Clemente di Casauria, and the head of the dragon at Moscufo.[127] Nevertheless, the general scheme followed by the ambone of La Strada must perforce have differed considerably from that adopted at Moscufo. There two lecterns are found, each supported by the symbolical representations of two evangelists combined perpendicularly: the eagle above the calf and the angel above the lion. At S. Maria della Strada, to judge from the fragment preserved, there can have been but one lectern supported by the eagle with the book and the angel, as in the pulpit of S. Giovanni at Ravello, where, however, the place of the angel is taken by an apparently human figure of great dignity. Further, the angel transfixing the dragon recalls the Archangel Michael on the throne at Monte Sant' Angelo rather than the winged evangelist. If, as seems probable, this work at S. Maria della Strada is earlier than that at Rosciolo, Moscufo or Cúgnoli, it may well be that the masters of the school had not yet developed their highly original plan of two reading-desks.

[126] Coelius Sedulius, *Carmen Paschale*, lib. i, line 355 (Migne, *Patrologiae Cursus Completus, Series Latina*, Paris, 1846, t. xix, col. 591).

[127] Schulz, *Atlas*, tav. lxi, Fig. 1, and tav. liii.

The main part of the tomb, as has already been suggested in the first section of this study, was erected over the grave of Berard of Aquino, Count of Loreto, who died in 1345, and bears his coat-of-arms. It is clearly of the school of Tino da Camaino, as are the other Aquino tombs in S. Domenico Maggiore at Naples. A suggestion may be made in regard to the lovely small statue of the Blessed Virgin and Child, till recently placed on the flat roof over the recumbent effigy, that it originally surmounted the whole tomb, being placed at the apex of the gable. This is the more likely in that the gables of the tombs in S. Domenico are finished in this way with statues.[128]

The outside of S. Maria della Strada, no less than the capitals and the ambone in the interior of the church, provided the opportunity for much sculpture, and the façade and the south door demand careful study both in regard to their artistic import and to their contribution to the history of iconography in the twelfth century. The elevation of the west front,[129] like the rest of the building, follows the simplest of the derivatives of S. Liberatore. On the outside, the structure is clearly seen in the single gable with its single window corresponding to the central nave, and, abutting on either side, the sloping roofs covering the lateral aisles. Entrance to the church is gained by a central door under the apex of the gable, while the place of doors giving access to the lateral aisles is taken by a blind door space under a round-headed arch. A second entrance is, however, provided by a door in the south wall of the church.[130] The gable of the façade is surmounted by an eagle with the head of a man beneath its perch; the rose window in the gable is of simple design in which from a circle at the centre a continuous round-headed arcade radiates to the circumference of the window, so that of necessity the bases of the pillars supporting the arcade are farther apart than their capitals. Within each small arch is a circular opening. On either side of the window a calf, head, forelegs and half body, projects from the wall: it should be noted again how closely the treatment of the pendant hoofs recalls that of the evangelistic calf of the ambone at Moscufo.

The central door is surmounted by a semi-circular arch,[131] with five orders of concentric moulding: (1) palmettes, (2) roses, (3) palmettes repeated, (4) two long eel-like dragons each spewing up a dead man with crossed arms, his head being divided from that of his neighbour by a small stone support at the crown of the arch, (5) two rows of billets. Finally the tympanum is filled by slender pillars supporting cushion capitals delicately incised on which the mouldings rest, and the pillars radiate from a horse-

[128] See *ante*, p. 50, for the references for these tombs.
[129] Pl. III.
[130] Pl. I, 2.
[131] Pl. III and Pl. IX.

shoe resting on a plain lintel stone. Above the central arch is the remarkable pediment, with a border of palmette decoration, which has been the subject of endless discussion. It bears in low relief a figure confronting the spectator, seated with dangling feet on a horse seen in profile. The bridle is held in the left hand of the rider with a very short rein, so that the horse's head is drawn down to the right; the right hand is resting on the rider's right hip. The figure is clothed in a long tunic decorated with elaborate embroidery at the neck of the gown, which reaches only to the base of the throat; the head is bare of headgear or nimbus, although it is surrounded by the central loop of the conventional seed-pod vine-pattern which descends in deep waves on either side of the gable of the pediment. Possibly a very short beard is indicated, and the figure has no mantle. On the left side of the horse are two peacocks or cuckoos, and there is another on the right facing the horse, with its beak touching the back of an ill-defined rounded object on the ground, while the raised near forefoot of the horse rests on what is apparently the head of the object. Speculations as to the interpretation of this group have been many and varied, ranging from the Blessed Virgin on a pack-horse [132] to a châtelaine or a queen,[133] and finally to Peter of Lupara in his youth.[134] But the real explanation, I venture to suggest, is that it represents the 'Constantine of Rome,' a popular motive with Romanesque sculptors, and often placed at the door of a church.[135] 'Constantine' was, in fact, the famous statue of Marcus Aurelius, which in the twelfth century stood in front of Saint John Lateran. The relief at S. Maria reproduces all the typical features as they are set down in medieval guide-books from the 'Mirabilia Urbis Romae' of about 1140 onwards, whence they found their way into romances such as the Italian *Libro delle storie di Fioravante* of the first half of the fourteenth century. We have the horse without saddle or stirrups, and the rider, with the reins in his left hand, in tunic only, without the knightly mantle, a fact which so shocked Robert the Magnificent of Normandy when he was on pilgrimage to Rome that he stripped off his own cloak and flung it round the statue.[136] We have the horse's head turned sharply to the right, and the bird of the legend placed at any rate near, if not on, his head. Further, the ill-defined projection under the hoof may well have represented, before it was half-obliterated by the weather, the dwarf-like figure of the captive on the ground, which once belonged to the Marcus Aurelius statue, although to-day it has disappeared.

[132] Petrella, p. 89, summarizing the attribution of the Orsini inventory, 'la Vergine Sacrosancta che risiede sopra una bestie sommaria.' He himself thinks that it is indeed the Saint to whom the church is dedicated represented under the name of 'Della Strada,' a popular conception.

[133] Ambrosiani described the figure as 'la castellana di Matrice, o la regina del tempo.'

[134] Gasdìa, 1926, p. 37.

[135] Emile Mâle, *L'Art religieux du XII^e siècle en France*, Deuxième ed., Paris, 1924, pp. 247–251.

[136] Mâle, *loc. cit.*, quoting Wace, *Le Roman de Rou.*

The apparent presence of this figure makes the identification with the 'Constantine of Rome' the more certain.[137]

Below the pediment, the spandrils on either side of the arch over the central door of the church are filled with sculptured scenes likewise in low relief. On the right hand the figures are badly weather-worn and difficult of interpretation, but it must be suggested that here is a further reference to the 'Horse of Constantine' and an attempt to represent a scene from the legend which was told to pilgrims to explain the equestrian statue. This, like the description of the group, was put into writing in the 'Mirabilia' and its derivatives, and in different forms reappeared in popular romances and pseudo-learned compilations. In all the versions there is a common element in a siege of Rome by an enemy king—sometimes he is a Saracen, sometimes a magician—and the rescue of the city from its peril by the courage and guile of a man of little social importance, a herdsman or an esquire. He wins the support of the authorities in Rome, in some accounts the consuls and senators, in others Constantine himself; they give him a horse without saddle or stirrups, and make a breach in the wall for him to leave the city on his enterprise. He has noticed that the enemy king comes every night to a tree not far from the walls, and that a bird, owl or cuckoo, always announces his coming. He rides out, a simple herdsman with a stick in his hand, or else with a bundle of new-mown grass held in front to conceal him, seizes the king and carries him off into Rome, before the very eyes of his attendants. As a reward the herdsman receives a sum of money and the statue of gilded bronze to commemorate the exploit and the deliverance of the golden city.[138] This is the legend

[137] The 'Horse of Constantine' is variously described in the different medieval accounts of the statue: Benedict, the canon of St. Peter's, to whom in all probability we owe the 'Mirabilia Urbis Romae,' *circa* 1140, is emphatic that it was not, in fact, a statue of Constantine on horseback, 'In campo Lateranensi est quidam caballus ereus, qui dicitur Constantini sed non est ita,' and he describes it as 'equum ereum deauratum pro memoria, sine sella, ipso (*i.e.* the esquire of the legend, for which see pp. 61 ff.) desuper residente, extenta manu dextra, qua ceperat regem. Ipsum quoque regem, qui parue persone fuerat, retro ligatis manibus, sicuti eum ceperat, sub ungula equi memoriabiliter destinauerunt, et in capite equi memoria cocobaie, ad cuius cantum ceperat regem.' This last reference is to the tuft of hair between the horse's ears, which became in medieval imagination the owl of the legend (P. E. Schramm, *Kaiser, Rom und Renovatio*, teil ii, Leipzig, 1929, p. 87). Master Gregory, the Englishman who wrote an up-to-date guide in the middle of the thirteenth century, says, 'Eratque equus et eques et columpne optime deaurate. . . . Sedet autem eques manum dexteram dirigens tanquam populo loquens vel imperans. Sinistra manu frenum retentat, quo capud equi in dexteram partem obliquet, tanquam alio diuersurus.' (This feature is very marked at S. Maria della Strada.) 'Avicula etiam quam cuculam uocant inter aures equi sedet, et nanus quidam sub pede equi premitur, miram morientis et extrema pacientis speciem representans' (G. Mc. N. Rushforth, 'Magister Gregorius de Mirabilibus Urbis Romae,' in *Journal of Roman Studies*, vol. ix, 1, 1919, p. 46). *Cf.* Schramm, *op. cit.* p. 50. Finally, in 'Il libro delle storie di Fioravante,' written between 1315 and 1340 in its present form, but incorporating much older material: Constantine . . . 'fecie fare un cavallo di metallo, e fecievi far su il villano col bastone in mano e co'calzari legati in pie, e ogni cosa fecie fare di metallo, e'l cavallo fecie fare senza sella. Ecchi va a Roma sillo pote vedere, e vedra sempre che'l mondo si bastera' (P. Rajna, *I Reali di Francia. Ricerche intorno ai Reali di Francia*, vol. i, Bologna, 1872, p. 364, 'Il libro delle storie di Fioravante,' c. xiv). Rajna has here discussed most fully the relation of Fioravante to the *Reali di Francia*, in which, however, the description of the 'Horse of Constantine' is not found.

[138] Compare the different stories told in the *Mirabilia* (Schramm, *op. cit.*, pp. 87–88) and in 'Il Libro delle storie di Fioravante,' c. xiii and xiv (Rajna, *op. cit.* pp. 360–364); see also *Reali di Francia*, vol. i, c. 30–43, 54–59. Master Gregory gives a more sophisticated view in his alternative explanations derived from the 'senioribus et cardinalibus et uiris doctissimis' (*op. cit.*, pp. 46–48).

represented in the spandril at S. Maria: there is the owl which gave notice of the king's arrival at the tree, itself represented by a trunk in the middle of the scene. Then between the owl and the tree is the herdsman violently seizing the bearded king, while one of his courtiers seems to be trying to save him from capture. Below this relief, but apparently not connected with it, is a winged and haloed cherub, the space above his head being filled by two peacocks or doves facing each other and drinking from a vessel, the Fountain of Life, and that beneath his feet by a small head of a bull seen from the front.

Difficult of interpretation as the relief now is in its weather-worn state, that it does, in fact, represent some legend is made the more likely by the iconography of the left-hand spandril. Here is a lion confronting a horse whose rider brandishes a short Roman sword; below, the space is filled by another lion with a child in his paws, and below again are other animals which seem to form a group, with a quadruped in high relief climbing up the outer moulding of the arch with its palmette decoration. The scenes with the lions seem clearly inspired by the story of Attaviano del Leone. This story came originally from an Old-French chanson de geste of Octavian which had a wide popularity, and is found in various forms in many languages in the thirteenth and fourteenth centuries.[139] The original chanson of the twelfth century has not survived, and the story can best be quoted for our purpose from the third section of the 'Libro di Fioravante,' which seems to have preserved it in a primitive form. Queen Drugiolina gave birth to twin boys, a fact which, according to medieval superstition, laid her open to a charge of infidelity: she was driven out by her husband, and her adventures and those of her sons Gisberto and Attaviano or Octavian are the subject of the story. After telling the early years of Gisberto, the book continues: [140]

'Ora ritorna la storia a parlare dell'altro figliuolo di Fioravante, e dicie lo conto che uno ucciello grifone ne volea portare il fanciullo a' suoi grifon [cin]i. Allora siccome a Dio piaque vi s'abatte uno lione, ello lione vegiendo che toglieva il fanciullo gli diede si grande della branca chello uccise, ello fanciullo campò. . . . E stando Drugiolina alla marina e quella vide venire una nave . . . ello lione aparve alla marina col fanciullo, ettenevalo coll'una delle branche ell'altra branca si cacciava gli artigli per lo petto e facievasi uscire il sangue, e di questo sangue nutricava il fanciullo. E vegiando lo lione chella donna se n'andava nella nave, ello lione corse inmantanente e poselo allato alla marina; poi si partì e dilungossi un grande pezzo, acciò

[139] *Octavian, Altfranzösische Roman nach der Oxforder Handschrift, Bodl. Hatton* 100, ed. Karl Vollmöller, Heilbronn, 1883 (Altfranzösische Bibliothek, herausgeg. von Wendelin Förster, Bd. 3), pp. xvi–xviii. For the history of the story, *cf.* Rajna, *op. cit.* pp. 67–83.

[140] 'Il Libro delle storie di Fioravante,' *ed. cit.*, p. 462, c. lxviii. *Cf.* the same story in the *Reali di Francia*, lib. ii, c. 48.

chella madre ne gli altri nonn' avessono paura e che Drugiolina non dubitasse di venire per lo fanciullo.' Here without any doubt is the explanation of the scene with the child in the paws of a lion. A later episode in the story gives equally the clue to the horseman and the lion.[141] The lion swam after the ship, and accompanied Drugiolina to Scandia, where she explained that the lion was her husband. Here she remained till Attaviano was grown up, being kindly received by king Balante and his queen, who were, in fact, her own father and mother, although they did not recognise her. In course of time Balante was captured by the Soldan, and Drugiolina armed Attaviano with Durlindana, his father's sword; mounted on his horse Gioioso, he went to fight the Soldan, accompanied always by the lion, who attacked all the enemies in his way. The Soldan was unhorsed by Attaviano and begged for mercy, but the young man was still set on continuing the battle. 'Allora Drugiolina, che' era in sulla torre, levò alta la' nsegna acciò ch' elli non conbattesse più, ma Attaviano non vi ponea cura. Ello lione vegiendo che Attaviano non sene avedea sì prese le rédine del cavallo, acciò ch' elli non conbattesse più; ed elli vi ritornò adietro.' At Santa Maria we have Attaviano brandishing Durlindana, and the lion seizing the horse's reins.

Continuing the description of the façade of S. Maria, we must notice below the pediment with the 'Horse of Constantine,' and over the spandrils which have just been discussed, a horizontal band separated into two portions by the crown of the central arch. This band carries, again in very low relief, a representation of the whale, under the guise of a dragon, swallowing Jonah on the extreme right, and casting him up on the extreme left, while in the middle are two pairs of monsters attacking each other. Specially reminiscent of the work at Moscufo is the treatment of the wings of these dragons, which are indicated by incised parallel grooving, and spring from a circular central boss surrounded by small feathers. The heads of the dragons with jaws full of teeth seem, on the other hand, to recall the convention seen in the remains of the ambone at Traetto-Minturno,[142] a work of another school.

This favourite biblical scene is the only one adopted by the sculptors of S. Maria; and in the decoration of the tympana of the lateral arches of the façade there is a return to the inspiration of secular romance. Most interesting is the tympanum on the left-hand side, where a vivid scene is shown (Pl. X, 1). From the extreme left a bearded knight on horseback with his lance in rest spurs his horse to the charge. He is riding through a wood represented by two pine-trees with spreading branches and seems to be running

[141] *Ibid.* c. lxix, p. 463, and c. lxxii, pp. 466–467. *Cf. Reali*, lib. ii, c. 48, and c. 50.

[142] A. Haseloff, *Pre-romanesque Sculpture in Italy*, Florence and Paris, 1930, Plate 69.

an unarmed man through with his lance. Beyond this unarmed man is a saddled, riderless horse with his bridle hitched to the second tree. Behind the horse appear two figures shown only to the waist, a bearded knight in his conical helmet, and a lady with flowing hair; while on the ground in the extreme right-hand corner is the head and shoulders of another helmed knight with his hands crossed in death. The equipment is up-to-date, showing all but one of the novelties introduced in the second quarter of the twelfth century. The mounted knight wears a mail hauberk, which, however, reaches only to the throat, leaving the neck bare without the further protection of the hood in one piece with the tunic, as was usual from the early years of the century, although not universal until the second half. His helmet, with its conical apex and apparently a terminal knob, shows a definite convexity at the back, where it is prolonged to the nape of the neck, and it has vertical ribs, like the examples at Ferrara (1138), Angoulême and Mozac, which it closely resembles also in the absence of a nasal (a feature introduced in the second half of the century). On his left arm he carries the large, kite-shaped shield with its concave side to the spectator, while under his right arm is the heavy lance. His horse, and the riderless horse tied to the tree (as well as the horse represented in the south tympanum), show most clearly the contemporary harness—saddle-cloth, saddle with high 'chair-back' cantles held secure by a double girth and martingale, and finally the long stirrup-leather, and not the short stirrup shown on the archivolts of Modena and Bari. The bridle, too, is up-to-date, with nose-band, chin-strap and curb-bit (the last said to have been introduced about 1140).[143] All the details in the equipment correspond in a remarkable way with those shown in the figure of St. George on the ambone at Moscufo; the only difference lies in the greater artistic excellence and the better preservation of the work in the Abruzzese church (Pl. XII).

The whole dramatic representation suggests forcibly enough the dangers of the road through the thickly-wooded hills of Molise; but at the same time its origin is to be sought in the story of Floovant and Florote as told in the chanson de geste of Floovant. This is extant in a French rendering of the beginning of the fourteenth century,[144] which is scarcely earlier than the Italian prose version forming the second section of the 'Libro delle storie di Fioravante,' and gave its name to the whole book. It is therefore possible to compare the two texts; they show a close correspondence even in details in the episode carved at S. Maria della Strada, which may therefore be given in the

[143] G. H. Gerould, 'Arthurian Romance and the Date of the Relief at Modena,' in *Speculum*, Oct. 1935, pp. 355–376.

[144] *Floovant, Chanson de Geste*, publiée pour la première fois d'après le manuscrit unique de Montpellier par F. Guessard et H. Michelant, Paris, 1859, in 'Les anciens poètes de la France.' See also G. Brockstedt: *Floovant-Studien*, Inaugural-Dissertation, Kiel, 1904.

Italian version: [145] 'Ora venne a tanto ch' elli (*i.e.* Fioravante) trovò un monte, ed elli mirò e vide sotto a un pino tre saracini, gli quali aveano preso una donzella, ch' era figliuola [di re] di Dardenna e aveva nome Ulia.[146] E Fioravante fu giunto in quelle parti presso a quella donzella, ed ella lo riguardò e vide ch' era cristiano. Ed ella lo sgridò e disse: "Cavaliere, mercie per Dio." . . . E' saracini s'adirarono contro allui, e ancora s'avidono ch' egli era cristiano. Inmantanente andarono inverso lui. E quando Fioravante vide i saracini, egli abassa la lancia e inbraccia lo scudo e corse inverso di loro molto arditamente. . . . Allora Fioravante percossa all' uno, e dièlli nello scudo sì che'l passò con tutta l'armadura,[147] e miseli la lancia per lo petto, e passollo dall' altro lato e gettollo morto a terra dal cavallo. E al secondo sarcino fecie il simigliante, e'l terzo sissi fuggì. Ella donzella disse: "Buono merito vi renda Iddio di quello che m'avete fatto. Mille grazie n'abbiate"!' The details in this description have been closely followed by the sculptor. The first Saracen has had his shield and hauberk torn from him before he is run through with the lance by Fioravante, and he is shown without helmet and hauberk. The second, who meets with the same treatment, lies dead on the ground; and the third is ready to flee. All the particulars of Fioravante's armour are also carefully displayed.

One more scene shown on the façade remains to be discussed—that in the tympanum of the right-hand lateral arch (Pl. X, 2). The arch itself is adorned with a continuous band of rosettes within circles, except that the place of the rosettes is taken on the extreme right by four figures, which can scarcely be held to represent the evangelists, because, although an eagle and a lion appear, and a possible calf with human legs, the fourth figure is entirely grotesque, with a staff in its hand, riding some creature, perhaps a goose. The space of the tympanum is treated in a different artistic convention from that used in the left-hand tympanum. Resting on the chord of the arch are three medallions, showing in the central circle a little man on foot and bareheaded, winding a large horn, and in each of the lateral medallions a stag with branched antlers. Above the medallions is the representation of a horse riderless, but saddled with a high-cantled saddle and bridled; the horse is followed by a man bearing apparently a two-pronged hunting-fork. A forest seems to be indicated by two completely stylised trees made to follow the outside curve of the lateral medallions, while the space between them and the central medallion

[145] 'Libro di Fioravante,' *ed. cit.*, p. 371, c. xx. (*Cf. Reali di Francia*, lib. ii, c. 7.)

[146] In the French 'Floovant' she is called *Florote*.

[147] The corresponding passage in 'Floovant' is worth quoting:

Floovans en fiert. i. an la targe florie;
Desoz la boucle à or li a fraite et malmise,
Et l'aubert de son dos li derout et dessire;
Ou cors li mit la lance, qui qu'an plort ne qui rie;
Tant soué l'abait mor qu'i ne brait ne ne crie.

is occupied by a decoration. The composition is finished by a broad band following the semi-circle of the arch with the conventional waving vine-motive, a repetition of that bordering the central pediment.

This seems to be a hunting scene, again suitable enough in the forests of Molise with the perils of the chase; but the fact that everywhere else on the building the sculpture illustrates some legendary or imaginary story, raises the question whether this may not be meant to describe the treachery of Ganelon and Roland's last despairing horn-blast at Roncevalles. If this is indeed the case, the version of the story here illustrated does not seem to be the one given in the *Chanson de Roland*, since it differs in several of its details from the great poem. Rather does it follow the Latin prose rendering of the *Historia Karoli Magni et Rotholandi*, generally known as the 'Chronicle of the Pseudo-Turpin.'[148] Here when Ganelon is insinuating that Roland is not signalling in real distress but merely blowing his horn in the chase, he uses the phrase 'sed venandi studio aliquam feram persequens per nemora concinando discurrit.' The 'fera' may well be represented by the stags of S. Maria, whereas the 'hare' of the *Chanson* finds no place—'pur un sul levre vait tute jur cornant.' The two conventional trees can stand for the wood described above, or they may equally represent the woods of Port de Cize, and more particularly the tree under which the marble column was set up. It is, moreover, just possible to see in the decorations on either side of the central medallion the column cleft by the sacred sword Durenda, although this identification may in truth be thought too fanciful.[149] The horse in the upper part of the tympanum is not the wounded Vaillantif of the *Chanson*, but Roland's horse of the *Historia Karoli*, waiting after he has dismounted ready for Baldwin to mount and ride away to take the news of the disaster to Charles and implore his help. But the instrument in Baldwin's hand seems to defy explanation. The whole story as set out at S. Maria is that of the *Historia Karoli*, which in its earliest extant form goes back to the period 1120–1130; but there is nothing to militate against the presumption that this telling of the death of Roland was at least as old as the variant immortalised in the *Chanson*. The story had a fame unmatched by any other epic and representations of its greatest scenes were made in Italy in the twelfth century. The figure on the great pavement at Otranto (1163–1165) of a little man blowing a horn is not unlike the parallel figure at S. Maria della Strada;[150] although the elaborate

[148] *Historia Karoli Magni et Rotholandi ou Chronique du Pseudo-Turpin*, ed. C. Meredith-Jones, Paris, 1936, pp. 178–200.

[149] *Ibid.* p. 188, the 'Lapis marmoreus *or* petronus marmoreus, qui ibi erectus erat' was in all probability a marble column for a boundary stone. The rough indication of a cleft column seems to recall such a column as the paschal candlestick at S. Clemente di Casauria, the work of the school of Roger, Robert, and Nicodemus or their successors.

[150] C. A. Garufi, 'Il pavimento a mosaico della Cattedrale d'Otranto,' in *Studi Medievali*, II, Torino, 1906–1907, p. 505; he mentions 'a little man blowing a horn.'

series of scenes at Brindisi (1178) appear, indeed, to follow closely the version of the *Chanson*.[151]

After this detailed consideration of the façade, the attention must now be turned to the south doorway, remarkable not only for its iconography, but also for the excellent preservation of its carving and the accurately jointed masonry (Pl. XI). The square-headed opening of the door itself, with its massive horizontal lintel, is set in an elaborate semi-circular arch springing from flattened leaf-capitals which are supported by their flat pilasters. They in turn rest on the stylobate which forms a continuous band round the building. The outer member of the archivolt is decorated on its outer border with a design of small leaves attached to a stalk which runs in unbroken waves round the whole semi-circle; within this border is a second chamfered band adorned with oval leaves finely veined and set closely side by side in a continuous row. The second member of the archivolt is a flat band of small narrow stones, slightly wedge-shaped and quite unadorned. It is supported, like the outer member, by flat engaged capitals; that on the left is carved with leaves, that on the right with a doe; but these capitals rest not on pilasters, but on heavy horizontal stones. Within this plain band of stones comes the tympanum proper, supported by the lintel block. It consists of two members: the outer is a flat, semi-circular band cut out of a single piece of stone. It is carved with an Agnus Dei at the crown of the arch and with a dragon at either base, while a delicate design of incised palm-leaves covers the intervening spaces. These highly characteristic dragons have jaws full of teeth, small, thin forelegs like a rodent's, and tightly curling tails ending in two or three prongs. Finally the innermost half-circle bears an elaborate representation of the ascent of Alexander the Great to the sky. Bareheaded, with rays of light streaming behind him, he stands in a 'machine' like a swing-boat, with arms extended to hold aloft the two poles with portions of food, with which to entice the winged griffins below the car to fly upwards with him to explore the sky. These creatures with their tasselled tails are more like calves than anything else; their wings, again, show the treatment of the school of Roger, Robert and Nicodemus, while the hand of these artists is also seen in the veining of the leaves and the delicately incised patterns. The scene is a well-known episode in the legendary history of Alexander; a history written first in Greek and known as the work of Pseudo-Callisthenes, and translated into Latin by Leo archpresbyter of Naples between 951 and 959.[152] It passed into

[151] *Ibid.* Garufi refers to the drawings of the Frenchman, Millin, and the MS. of Ortensio de Leo in the Biblioteca Comunale di Brindisi. Illustrations are given by Bertaux, *op. cit.* p. 493, and by Schulz, *op. cit.* Atlas, tav. xlv.

[152] *Der Alexanderroman des Archpresbyters Leo*, ed. Friedrich Pfister (Sammlung mittellateinischer Texte, 6, Heidelberg, 1913). The Journey to the Sky is found in the Letter of Alexander to his mother, Olympias, in Leo, lib. iii, 27^{II}, 4 and 5, pp. 125–126.

all the vernacular literatures of Europe from this Latin version,[153] while other translations were made in Egypt and Syria. The episode of the Journey to the Sky was well established in the iconographic repertory of the twelfth century, and is found not only in most of western Europe, but also in Russia.[154] Mr. Loomis has traced the Ascension of Alexander in Western Art on the one hand to Byzantine embroideries and textiles, and on the other to Greek ivories and sculpture of the tenth and eleventh centuries. In particular he lays stress on the marble carving of about this period which was brought to Venice and set up on the wall of St. Mark's in the early twelfth century. He notes the progressive modification of the representation, by which the Alexander of Leo the Archpresbyter becomes the crowned charioteer, the two griffins taking the place of the horses, while the poles become, first, spears baited with piglets or puppies, and are transformed later into an orb, and a sceptre with an animal's head. The deterioration is already evident in the Venetian relief, and Dr. Olschki in a recent study is inclined to regard all Italian representations as derived from it.[155] This is true enough of the Borgo S. Donnino sculpture, but it is not borne out by the Otranto pavement, and still less by the tympanum at S. Maria della Strada. Here Alexander is bare-headed; the vehicle is still the 'machine' (*ingenium*) of the archpresbyter Leo, if not the rush-basket of a ninth-century Latin poem referred to by Mr. Loomis; the spears are still poles, and they are baited with lumps of 'food' (*cibarium*), and not with animals. This shows that a different iconographic model must be sought, in some hitherto undiscovered carving or textile, which kept very close to its literary source, except that the chains to harness the griffins are not shown. Whether an archetype in metal, stone, or needlework is indicated by the style of treatment, I must leave to those qualified to judge. Finally, attention should be called to the curious juxtaposition here of the Agnus Dei, perhaps to represent Heaven,[156] with the Ascension of Alexander, a connexion paralleled in the subjects of two embroidered cushions of the twelfth century at Soest. It is peculiarly fitting to find the subject presented in South Italy, where the legend was popularised by the Latin translation, and whence it spread north of the Alps. The appearance of the scene of Alexander's

[153] For a general account of the Alexander Romances, see F. P. Magouin, *The Gests of King Alexander of Macedon*, Cambridge, Mass., U.S.A., 1929, Introduction.

[154] For the subject in art, see R. S. Loomis, 'Alexander the Great's Celestial Journey,' *Burlington Magazine*, 1918, vol. xxxii, pp. 136–140, 177–185; and G. Boffito, 'La Leggenda Aviatoria di Alessandro Magno nella Letteratura e nell' Arte,' *Bibliofilo*: Rivista di Storia del Libro, 1920, xxii, pp. 316–330, xxiii, 1921–1922, pp. 22–32, with additional note by Bertoni, *idem*, pp. 32–33. For its appearance on the church of S. Demetrius at Vladimir in Russia at the end of the twelfth century, see D. R. Buxton, *Russian Mediaeval Architecture*, Cambridge, 1934, p. 10. It must be noted that the picture here given differs entirely from that attributed to the same church and illustrated by Mr. Loomis.

[155] L. Olschki, 'La Cattedrale di Modena e il suo rilievo arturiano,' in *Archivum Romanicum*, vol. xix, pp. 145–182.

[156] The sculpture of the Agnus Dei at S. Maria di Canneto should be noted here.

Ascension on the mosaic pavement at Otranto is already well known,[157] and it is not a little interesting to find it at S. Maria della Strada, some twenty years earlier, as I believe.

It is now possible to assess the results obtained by this study of the architecture, the sculpture and the iconography of S. Maria with a view to establishing the dates at which it was built. The uniformity of technique in the employment of the alternate courses of wide and narrow blocks of stone shows that the walls and apses up to the line of the cornice were built all at one period. This is undoubtedly the original construction consecrated in 1148; the date is further borne out by the study of the sculpture of the capitals of the nave arcades, which shows clearly the style of the masters Roger, Robert and Nicodemus; and they are known to have been at work from a period before 1150. The vaulting is obviously later than the walls, and belongs to the thirteenth century; and the real problem concerns the western façade, with its remarkable reliefs, which, it has been argued, are later than the original building. This view is supported by two separate lines of argument; in the first place, differences in technique are pointed out, and in the second, it is maintained that representations of scenes from the Roman and Carolingian cycles could not have been made at so early a date as the mid-twelfth century. In regard to the structure of the façade, it must be conceded at once that the upper section above the cornice, which runs continuously round the whole church, is in its present form a rebuilding. The masonry here, both in the size and shape of the stones and in their jointing, differs markedly from the rest, and is probably connected with the insertion of the thirteenth-century vaulting, or with a restoration after an earthquake or long neglect. Nevertheless it is evident that the eagle on the top of the gable and the flanking half-figures of calves belong to the original construction, since they show unmistakably the hand of Roger, Robert and Nicodemus, especially in the likeness of the pendant forelegs to those of the bull at Moscufo, as has already been pointed out. Again, it has been urged against the earlier dating that faulty jointing in the junction of the tympana and their archivolts with the main wall, and the different working of the stone shows that the sculpture is a subsequent insertion of the late twelfth or early thirteenth century. This criticism leaves out of account the fact that the church was built of ready-prepared blocks of stone from Fagifulae of uniform size, a fact which conditioned the precise height of the walls and the placing of the cornice round the building. Consequently, in order to make use of a semi-circular arch and tympanum, some cutting of the stones was of first

[157] For the references for this, see *ante*, p. 66, n. 150.

necessity; and it must be noted that the jointing in the adjustment of architrave and archivolt is carried out in the same way on the façade as on the south wall with its door and tympanum of Alexander. Again, in regard to the sculpture and mouldings and decorative motifs, the technique of Roger, Robert and Nicodemus is once more evident, and parallels can be found in the known work of these masons elsewhere. Further it is significant that at S. Maria precisely the same motive of incised acanthus leaves and the same treatment of it is found on the abacus of the fifth capital of the north arcade (Pl. V, 4) and on the mouldings of the arches above the two lateral tympana of the West façade. And moreover, the same repetition of a motive, this time the meandering leaf-buds and the veined leaves set side by side on the fourth capital (Pl. VI) is apparent on the archivolt of the south doorway, thus showing the intimate connexion which exists between all parts of the decoration. In view of this, it is impossible from the angle of artistic criteria not to regard the façade as contemporary with the original building dedicated in 1148, or at any rate as subsequent to it by a very few years only. This again receives further support from the details of the equipment of men and horses in the scenes displayed, which represent the fashions of the mid-twelfth century. It is true that details of this kind are at times ' attardis,' but when they fit with other evidence, they may well be accepted as supplementary testimony. Further, the sculpture of the fountain column, with the inscription dated by its mention of Robert Avalerius, shows the figure of a dismounted knight with hauberk and kite-shaped shield slung behind him, precisely like those of the knights of the tympana.

In support of the second line of attack from the standpoint of the subject-matter, it has been stated categorically that the scenes could not have been represented in South Italy as early as *circa* 1150, because they were still unknown there, and both literary and iconographic models were lacking.[158] This argument is applied specifically to the façade, since it is obviously inapplicable to the south door, for the Ascent of Alexander, apart from the artistic affinities of its treatment, was, as we have seen, a subject well known in Italy both in literary and plastic tradition. But even as regards the façade, the argument never had much validity, and recent research has pointed entirely in the opposite direction. The subjects form a unified whole; they were taken from the legend of Constantine, the story of Roland and the story of Fioravante–Ottaviano. The appearance of the 'Horse of Constantine' needs no explanation, for it derived from Rome, where the horse could be seen by every pilgrim,

[158] The sculptures at Bari are obviously of no account here because they deal with the Breton and not the Carolingian cycle, and the same is true of the much-disputed Modena archivolt, in North Italy.

and the legend was widely diffused from the eleventh century, at least in those circles, the abbey of Monte Cassino among them, in which the history, the antiquities and the legends of the ancient world were passionately studied and propagated.

The Roland story, too, was undoubtedly known in Italy in the first half of the twelfth century: an inscription at Nepi of 1131, and a public legal document testify to this, while it seems to be established that the statues placed on the cathedral at Verona about 1150 indeed represent Roland and Oliver.[159] As regards the South more specifically, names from the Carolingian cycle borne by knights in the Norman kingdom are recorded in the *Catalogus Baronum* (*circa* 1150): Pinabellus at Casaldianni, not far from Benevento, and Oliverius Brancamala at Taranto.[160] The appearance of the figure blowing a horn, presumably Roland, at Otranto only a few years later has already been mentioned. Consequently there should be no difficulty in accepting the tympanum at S. Maria della Strada as an early treatment of a subject which became increasingly popular during the second half of the century both in art and literature. The classic examples are the whole series of scenes of the death of Roland carried out in mosaic in 1178 on the former pavement at Brindisi and the allusions in the poems of Godfrey of Viterbo.

In greater need of discussion is the appearance of the scenes based on the chansons of Floovant and Octavian, hitherto unnoted in Italy as early as 1150. Floovant was popular north of the Alps in the twelfth century, and in the latter half is thought to have found its way to Italy. But its new home has been sought in North Italy, where it was presumably turned into the Italian Fioravante, in a version analogous to the existing Franco-Italian Buovo text of the early thirteenth century.[161] If, however, the relief at S. Maria della Strada be accepted as narrating an episode of Floovant, the arrival of the chanson in Italy must be put considerably earlier, and that not in the north, but in the south of the peninsula. Here the channel of introduction must be sought in the constant stream of Norman and French and Lorraine knights and churchmen who came to seek their fortunes in the south, and founded the Norman kingdom of Apulia and Sicily. For them no Italian version need be postulated, since the chansons were composed in their native idiom, and in their original form were transplanted to their southern home. Direct evidence of this process is to be found in the French captions, which describe the scenes in the story of Roland on the pavement at Brindisi.

[159] P. Rajna, ' Contributo alla storia dell' epopea e del romanzo medievale' in *Romania*, An. 26, 1897, pp. 48–49; also *Archivio storico Italiano*, serie 4, xviii, pp. 329–354 and xix, pp. 23–54; and L. Suttina in *Studi Medievali*, N.S. vol iii (1930), pp. 305 *seq.*, and vol. iv (1931), pp. 358 *seq.*

[160] *Cat. Bar.* p. 579 art. 297, and p. 577 art. 228.

[161] G. Brockstedt, *Floovant-Studien*, Inaugural Dissert. zu Kiel, 1914, p. 62.

The same line of argument may be followed with regard to the Octavian story, which does not seem to be known in any Italian form before the early fourteenth century, as Rajna showed in his *Ricerche*. Here again the episodes with the lion on the façade at La Strada testify sufficiently to the current knowledge of the earlier part of the history of Octavian. It is, moreover, not a little remarkable to find illustrated together on the same building episodes which are linked in the early fourteenth-century romance of 'Il Libro della storie di Fioravante.' This book consists of six episodes, five of which are extant and the sixth may be surmised: (i) La Storia di Fiovo, (ii) Le avventure di Fioravante, (iii) La storia di Drugiolina e dei figliuoli, (iv) L'impresa di Attaviano in Oriente, (v) La Leggenda di re Gisberto, [and (vi) La storia di Carlomagno].[162] In the first three are episodes on which the iconography of S. Maria is based: the 'Horse of Constantine,' which appears in the first section, the rescue of the maiden from the three Saracens in the second, the adventures of Attaviano and the lion in the third. The parallel could be pressed even further, for the story of Roland might be found in the presumed sixth section. Was there, in fact, already in existence in the twelfth century a chanson which combined all these elements? Or were these elements so popular that they were waiting ready to the hand of the author of the 'Libro di Fioravante' in the fourteenth century, as they were ready to the hand of Roger, Robert and Nicodemus in decorating S. Maria in the twelfth? Too little is known of the method of planning the subjects to be illustrated on a twelfth-century building to decide whether the artists themselves possessed a repertory of their own, or whether they were chosen and imposed by the patron who built the church. In the particular case of the abbey of La Strada, the influence of Monte Cassino does not seem an unlikely source, for the action of Abbot Rainald in commissioning the work of this school of builders has been shown to be at least likely. At Monte Cassino in the eleventh and twelfth centuries a passionate interest in antiquity was fostered—Octavian, Constantine, Alexander and the whole phantasmagoria of classical legend and fable—particularly by Peter the Deacon, librarian of Monte Cassino, when Rainald of Collemezzo was elected abbot. And at Monte Cassino, too, there were monks of French and Lorraine origin who would bring with them the vernacular poems regarded at the time as a good deal more than half-serious contributions to knowledge. Moreover, Dr. Olschki's contention that embroideries and tapestries such as those described by Baudry of Bourgueil and Hugo Falcandus served as iconographic models supplies another link in the chain of evidence.[163] Baudry mentions hangings

[162] P. Rajna, *Ricerche*, p. 59.

[163] L. Olschki, *op. cit.*, p. 174.

adorned with the Sacred History, Greek mythology, the gests of Troy and Rome, while the testimony of Hugo is even more significant in his description of precious stuffs in the royal palace at Palermo adorned with pictures in gold brocade.[164] Here there is direct reference to Sicily, and it is from Sicily that Roger, Robert and Nicodemus, according to Gavini, drew one part of their inspiration.

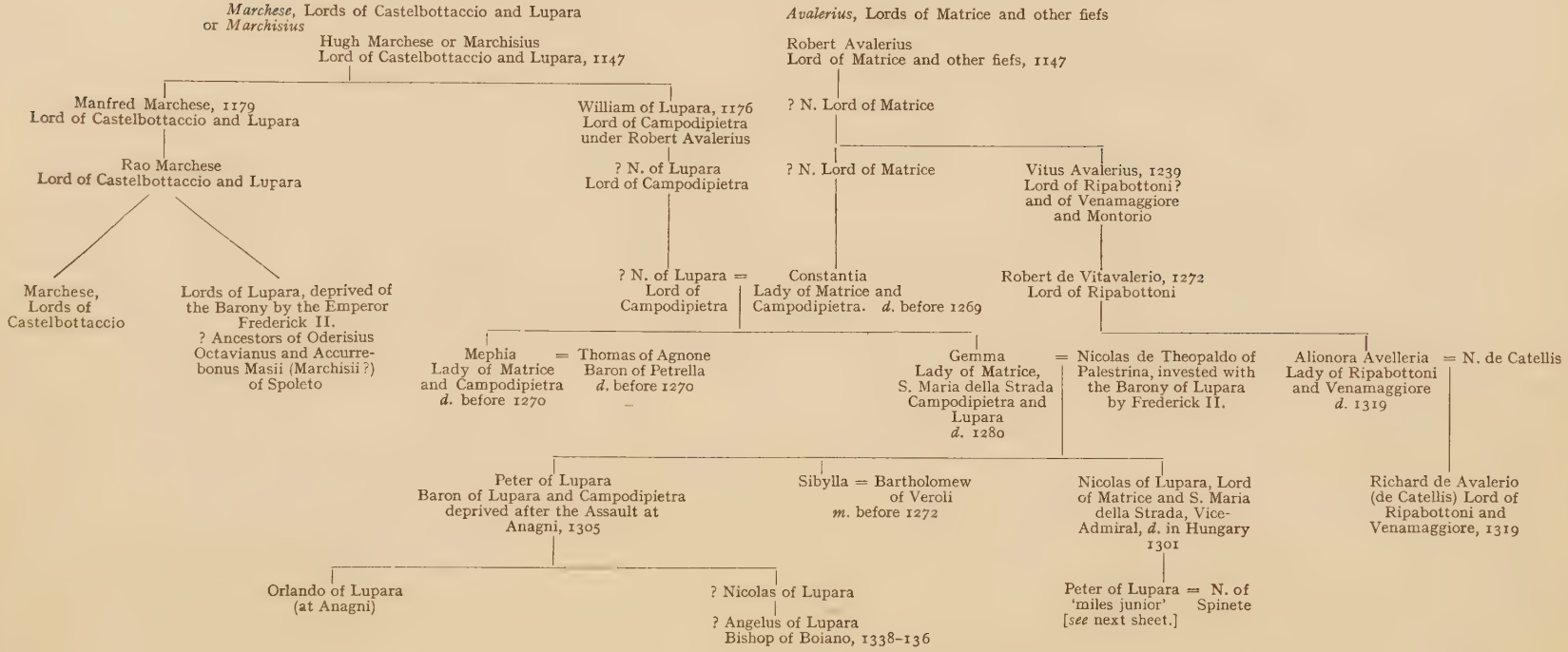
There is then nothing improbable in the carving of these scenes in the mid-twelfth century in a south Italian church founded under the auspices of a Norman baron of Matrice and a Benedictine abbot of Monte Cassino. At the same time, the evidence of the hand of a notable band of sculptors in the workmanship and general conception confirms the testimony of the dedication that the church was completed about 1150. The importance of S. Maria della Strada can hardly be over-estimated for its illustration of the artistic history of the twelfth century, the development of a secular iconography and the knowledge of classical and Old-French legend and chanson.

Evelyn Jamison

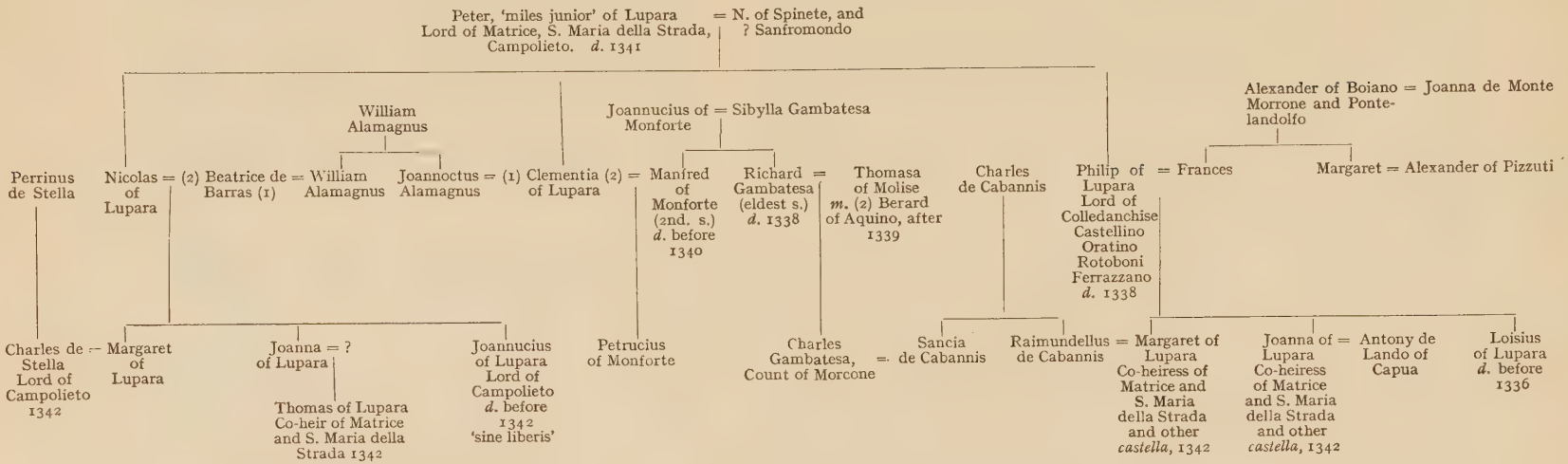
[164] Hugo Falcandus, *Historia o Liber de Regno Sicilie*, ed. G. Siragasa, 1897, p. 180.

APPENDIX I

GENEALOGY OF THE LORDS OF MATRICE, S. MARIA DELLA STRADA AND LUPARA


Marchese, Lords of Castelbottaccio and Lupara or *Marchisius*
Hugh Marchese or Marchisius Lord of Castelbottaccio and Lupara, 1147
Manfred Marchese, 1179 Lord of Castelbottaccio and Lupara
Rao Marchese Lord of Castelbottaccio and Lupara
Marchese, Lords of Castelbottaccio
Lords of Lupara, deprived of the Barony by the Emperor Frederick II. ? Ancestors of Oderisius Octavianus and Accurrebonus Masii (Marchisii?) of Spoleto
William of Lupara, 1176 Lord of Campodipietra under Robert Avalerius
? N. of Lupara Lord of Campodipietra
? N. of Lupara = Lord of Campodipietra
Avalerius, Lords of Matrice and other fiefs
Robert Avalerius Lord of Matrice and other fiefs, 1147
? N. Lord of Matrice
? N. Lord of Matrice
Constantia Lady of Matrice and Campodipietra. *d.* before 1269
Vitus Avalerius, 1239 Lord of Ripabottoni? and of Venamaggiore and Montorio
Robert de Vitavalerio, 1272 Lord of Ripabottoni
Mephia Lady of Matrice and Campodipietra *d.* before 1270
= Thomas of Agnone Baron of Petrella *d.* before 1270
Gemma Lady of Matrice, S. Maria della Strada Campodipietra and Lupara *d.* 1280
= Nicolas de Theopaldo of Palestrina, invested with the Barony of Lupara by Frederick II.
Alionora Avelleria Lady of Ripabottoni and Venamaggiore *d.* 1319
= N. de Catellis
Peter of Lupara Baron of Lupara and Campodipietra deprived after the Assault at Anagni, 1305
Sibylla = Bartholomew of Veroli *m.* before 1272
Nicolas of Lupara, Lord of Matrice and S. Maria della Strada, Vice-Admiral, *d.* in Hungary 1301
Richard de Avalerio (de Catellis) Lord of Ripabottoni and Venamaggiore, 1319
Orlando of Lupara (at Anagni)
? Nicolas of Lupara
? Angelus of Lupara Bishop of Boiano, 1338–136
Peter of Lupara 'miles junior' = N. of Spinete
[*see* next sheet.]

GENEALOGY OF THE LORDS OF MATRICE, S. MARIA DELLA STRADA AND LUPARA.—*Continued.*


Peter, 'miles junior' of Lupara
Lord of Matrice, S. Maria della Strada, Campolieto. d. 1341
= N. of Spinete, and ? Sanfromondo
Perrinus de Stella
Nicolas of Lupara
= (2) Beatrice de Barras (1)
William Alamagnus
= William Alamagnus
Joannoctus Alamagnus
= (1) Clementia of Lupara
(2) =
Joannucius of Monforte
= Sibylla Gambatesa
Manfred of Monforte (2nd. s.) d. before 1340
Richard Gambatesa (eldest s.) d. 1338
=
Thomasa of Molise m. (2) Berard of Aquino, after 1339
Charles de Cabannis
Philip of Lupara Lord of Colledanchise Castellino Oratino Rotoboni Ferrazzano d. 1338
Alexander of Boiano
= Joanna de Monte Morrone and Pontelandolfo
= Frances
Margaret = Alexander of Pizzuti
Charles de Stella Lord of Campolieto 1342
= Margaret of Lupara
Joanna of Lupara
= ?
Thomas of Lupara Co-heir of Matrice and S. Maria della Strada 1342
Joannucius of Lupara Lord of Campolieto d. before 1342 'sine liberis'
Petrucius of Monforte
Charles Gambatesa, Count of Morcone
= de Cabannis
Sancia
Raimundellus de Cabannis
= Margaret of Lupara Co-heiress of Matrice and S. Maria della Strada and other castella, 1342
Joanna of Lupara Co-heiress of Matrice and S. Maria della Strada and other castella, 1342
= Antony de Lando of Capua
Loisius of Lupara d. before 1336

APPENDIX II

DOCUMENTS

No. 1.

1148 — *7 August, Ind. ? XI.* — *S. Maria di Sambuculo (? S. Maria di Sambuco near Benevento)*

Gerald de Fay, lord of Jelsi (Gebizza) and of S. Angelo in Vico, together with his son Sagamorus, restores its former freedom to the church and casale of S. Sofia di Gebizza, which he had unjustly purchased, by placing the key in the hands of archbishop Peter of Benevento. He had been called to S. Sofia for this restitution on the occasion of his visit to the province for the purpose of dedicating, with the assistance of the bishops, John of Volturara, Raymond of Civitate and Robert of Boiano, the church of S. Maria della Strada. Gerald further grants various fiscal and judicial franchises which are fully described, and also gives the church of S. Nicolas 'ante portam S. Angeli in Vico' to the church of S. Sofia di Gebizza and to the abbots, titulars, as it would seem, of S. Sofia. The archbishop pronounces the most solemn excommunication, given *verbatim*, against all who shall violate the grant of privilege. The document, drawn up by Master Asclettin, and written by Benedict, is dated from *S. Maria de Sambuculo*, where the archbishop and his train had presumably stopped on the way back to Benevento after visiting S. Maria della Strada and S. Sofia di Gebizza. The document bears the signatures of the archbishop, the bishops of Volturara, Civitate and Boiano, with other clergy, Count Robert II of Civitate and several barons of the county.

Archivio storico provinciale, Benevento, Pergamene di S. Sofia, Vol. 2. n. 8: original, unpublished; the parchment, which is worn all along the left-hand margin and therefore illegible here, measures 50 cm. × 33 cm.; the distance between the lines is 7 mm. The hand is a diplomatic minuscule with many abbreviations. On the back is written (1) on a piece of paper pasted on: Privilegium quo Caplanus [sic], et Sagamor eius filius restituit in manibus Petri Archiepiscopi Ecclesiam S. Sophie de Gebizza, eiusque bona; an insuper donat eidem ecclesie alteram S. Nicolai ante Portam S. Angeli in Vico cum suis terris, et pertinentiis; (2) on two strips of parchment, twice over: Brebe de Sancta Sofia de Gibtia qualiter . . . ; (3) 1148; (4) some illegible lines of writing.

†Anno dominici incarnationis millesimo centesimo quadragesimo octauo, indictione secunda,[165] mense Augusti, Regnante gloriosissimo Rege nostro Rogerio qui est rex Sicilie, dux Apulie et princeps Capue. Ego enim Gi[roldus d]e Fay,[166] cum

[165] The indiction should be the eleventh instead of the second, which is plainly written in the original manuscript of the document. It is difficult to account in any satisfactory manner for so serious an error in calculation on the part of the notary.

[166] Giroldus de Fay was lord of Jelsi (the ancient Gebizza) and of S. Angelo in Vico near to Volturara (to-day the 'Crocelle di S. Angelo' to the west of the road from Volturara to S. Bartolommeo in Galdo, appears on the Carta dell' Istituto geografico militare, scale 1 in 100,000, Edizione 1927, Foglio 163); he was one of the barons of the county of Civitate, as appears clearly from the present document bearing the signature of Count Robert II (Robertus filius Roberti filii Riccardi) *fl.* 1147–1152, and of several feudatories of the county. Giroldus is, moreover, mentioned in two further documents: (1) In the *Catalogus Baronum*, f. 26 recto, of the MS. Reg. Ang. 1322 A, Grande Archivio di Stato di Napoli, we read among the feudatories and sub-feudatories of the county of Civitate, 'Giroldus de Yfay (or perhaps Ysay) sicut inventum est, tenet dimidium feudi Militis in Sancto Angelo in Bico, et cum augmento obtulit Militem unum, et Servientes duos.' (The printed editions of the *Catalogue* give the name wrongly as Giroldus de Gay; *cf.* del Re, p. 580, art. 339; (2) in the Registro d'Instrumenti di S. Maria del Galdo, R. Deputazione Napoletana di Storia patria, MS. XXI, A. 21, f. 96 v°, there is a reference to an earlier testimony given 'a Riccardo de Fay, quondam Giroldi de Fay filio,' in regard to the possession of the place called S. Angelo in Vico, to which the monastery of S. Matteo di Scurgola, subordinated to S. Maria del Galdo, laid claim in the year 1210. According to the reported statement of Richard, S. Angelo belonged anciently to S. Matteo; later it was seized by Hugh of Forcellato (*fl. c.* 1120) who drove out the monks. After some considerable time had elapsed, the testimony went on to say, Count Robert I of Civitate (Vetus Robertus filius Riccardi, *fl.* after 1120, the father of Count Robert II, who is mentioned in the present document of Gerald de Fay in 1148) dispossessed him, constituting S. Angelo as a dowry for one of his daughters. This story suggests that S. Angelo came to the de Fay family through a marriage, perhaps with this daughter, but of that there is nothing in the document of 1210. Nevertheless in this year S. Angelo was adjudged to S. Matteo, and consequently in the Swabian section

quadam die sederem in palatio Gebize,[167] una cum Sagamoro [168] filio meo confabulantes et inter nos ratiocinantes, quomodo huius mundi honores et diuitie transeunt et pereunt, et qualiter homines subito moriuntur, et ad sepulchrum deducuntur, et ibi a uermibus comeduntur, et in puluerem de quo creati sunt reuertituntur. Hec nos ad inuicem proferentes, tandem ad memoriam reduximus, quod in magnis peccatis et facinoribus inuoluti, et in . . . eramus eo quod ecclesiam Sancte Sophie de Gebiza [169] diabolo nos suadente et cecante comperauimus, et in seruitute et in redemptione misimus. Cognoscentes uero nos subtiliter quod in periculo et in dampnatione animarum nostrarum ex hoc fueramus, tunc . . . nostro proposuimus, ut cum tempus et locum aptum inueniremus, ab archiepiscopo Beneuentano reatum nostrum ei confitentes ueniam et indulgentiam inde acciperemus, et ecclesiam quam iniuste et cum peccato prius tenebamus, in manibus archiepiscopi Beneuentani [tra]deremus et pristine francitie restitueremus. Accidit nempe ut archiepiscopus Petrus Beneuentanus [170] circa dedicandi ecclesiam Sancte Marie de Strata in provincia nostra deueniret, cuius aduentum ut audiuimus statim Sagamorus ad eum [accessit] et post multa colloquia archiepiscopum ad ecclesiam Sancte Sophie de Gebiza conduxit; quem honorifice recepimus, et eius conspectui nos met ipsos representauimus, ipso denique residente, omnia per ordinem intimauimus, et patefecimus, uidelicet qualiter [ipsam ecclesiam]. . . . Guayferii pro centum romanatis comperauimus, quam cum peccato cum detrimento animarum nobis subiugauimus et in seruitute misimus. At tamen archiepiscopus benignus et pius ut erat peccatum et culpam in quam exinde commiseram[us] . . . sit, tenore tamen et condicione ut ecclesiam cum omnibus que ei pertinebant solutam et quietam in manibus archiepiscopi dimitteremus. Unde nos clauem ecclesie accepimus et per eandem clauem ipsius ecclesie eam cum omnibus suis pertinentiis in manibus [archiepiscopi dimisimus] et abrenuntiauimus, nichil nobis reseruantes, nil ibi iam de cetero querentes, nisi quod admodum amicus querit ab amico, et uicinus a uicino. Tunc coram omnibus ibi astantibus archiepiscopus nobis dixit, 'modo [ecclesia Sancte Sophie quam] . . . comperastis et uobis met ipsis proterue subiugastis, gratia Dei nunc a uobis mihi et in manibus meis franca et libera, nichil uobis reseruantes, reddita et assignata est, cum omnibus que iure et ratio[ne] . . .

of the *Catalogue*, f. 63, it is stated that S. Giovanni (alias S. Maria) del Galdo is in possession of it. In the Norman section of the *Catalogue*, on the other hand, the moiety of S. Angelo is a fief of Gerald's, who had rights, at any rate in 1148, over the church of S. Nicola 'ante portam S. Angeli in Vico.'

The question of Gerald's surname, whether it was in fact 'de Fay' or 'de Say,' must remain unsettled: 'de Fay' is the reading of the present document, and of that in the register of S. Maria del Galdo, while the MS. of the *Catalogue*, undoubtedly of later date, gives 'Ysay' rather than 'Yfay.' Both names are found in the period and are of Norman origin.

[167] Gebiza (Gibicza, Gebizza, Cebiza, Gibtia, Gibtie, Jeuzi) is the medieval form of the modern Jelsi. In the printed editions of the *Chronicon S. Sophiae*, ed. Ughelli-Coleti, *Italia Sacra*, vol. x, col. 504, and of the *Catalogus Baronum*, ed. del Re, p. 615, art. 1391, 'Tibicza' appears in error for 'Gibicza'; and on the map of the Contado di Molise by Gio-Antonio Magini Teuzi is found instead of Jeuzi. The *castellum* of Gebizza is not found in the Norman section of the *Catalogue*, because the description of the county of Civitate there given is defective; nevertheless it appears in the Swabian section, f. 62 v°, of the MS. 'Dominus Riccardus filius Moricii et Robertus de Fogia tenet Gibiczam quod est pheudum unius Militis'; and again in the Statute for the Repair of the Castles of 1239, ed. Sthamer, *Die Verwaltung*, p. 100 (44), Cebiza is registered.

[168] The unusual name 'Sagamorus' is perhaps a version of 'Sagramorus,' a knight of the Romance of Lancelot; in 1215 there appears a Sagamorius inhabitant of Salpi 'in contrata Forleti' (*Codice diplomatico Barese*, vol. viii, No. 210).

[169] Sancta Sophia de Gebiza, ecclesia et casale: the casale is mentioned as S. Sophia in the Statute for the Repair of the Castles, where, together with the barony of the brothers 'de Stipite,' with Gebizza, Gildone and its casali, Cercemaggiore and its casali, it is charged with the repair of Termoli (Sthamer, *loc. cit.*).

[170] Peter flourished as archbishop of Benevento from 1148 to 1153, when he was the recipient of the privilege of Anastasius IV (Ughelli-Coleti, *Italia Sacra*, t. viii, col. 113).

[uide] licet cum casali cum hominibus, quos ibi et in Gebiza habebat cum rebus mobilibus et immobilibus et cum omnibus suis pertinentiis nichil uobis ibi reseruantes.' Talem uero francitiam et libertatem supradict[e ecclesie Sancte Sophie] concessimus, ut si aliquis homo uel femina aliquod malefactum fecerint quo debeant condempnari uel occidi, postquam ibi confugium fecerint, nisi contra maiestatem gloriosissimi regis egerint, nemo in [curia nostra iudicetur] set ad plenam iustitiam faciendam eos ecclesia detineat. De comunitate enim Gebize eandem ecclesiam et casale eius omnino abstrassimus, set quedam comuniter reseruauimus, uidelicet prata, pascua, erbas, aquas . . . ligna uirida et sicca, preter in defensione siluarum, uenationes ubi cumque uoluerit per territoria Gebize, sicut abbas preceperit, siue ad fratas siue cum pedicis uel cum laqueis libere et secure capiat. Similiter et molendina et balcatoria cum facta fuerint comuniter existant, ita tamen uel si homines Sancte Sophie ad molendinum Gebize uel homines Gebize ad molendinum Sancte Sophie siue ad balcatorium pergere uoluerint, uolumus et concedimus; et in quocumque loco per flumen aut molendinum, cum tota ascibilitate longe lateque, aut balcatorium uel piscariam abbas ipsius loci facere uoluerit, potestatem et licentiam faciendi habeat; et libere comperantes et uendentes homines Sancte Sophie et homines Gebize inter se sine plaza, etiam omnia necessaria per territoriam Gebize uolumus ut supradicta ecclesia habeat, sicut ratio exigit. Si enim aliquis homo uel femina de Gebiza de uineis quas pastinauerint, siue de terris quas comperauerint, aliquam donationem ecclesie Sancte Sophie pro animabus suis facere uoluerint, similiter concedimus. Et si interdum aliquis de hominibus Sancte Sophie de propriis nostris terris pastinauerit, in feudo ecclesie semper permaneat. Post paucum uero temporis ad amplificandam et augmentandam ecclesiam Sancte Sophie, cum consilio domini Petri archiepiscopi Beneuentani et consensu et uoluntate domini Johannis Vulturarie ciuitatis episcopi,[171] ecclesiam Sancti Nicolay, que est ante portam Sancti Angeli in Vico,[172] Sancte Sophie de Gebiza pro animabus nostris donauimus, ita ut amodo ecclesia Sancti Nicolay cum terris et augmentis que ei donabimus sit in dominio, in subiectione, ecclesie Sancte Sophie, nil in ea nobis reseruantes. Terra si quidem quam eidem ecclesie in presentiarum tribuimus tales undique finales habet: a prima equidem parte est quedam pars uille Sancti Angeli; a secunda parte est uia que uadit ad uallonem qui descendit a fontana Rusci; ex alio latere est silua de curia; ab alia tertia parte est via que uadit ad Vulturariam usque ad terminos quos ibi posuimus et descendit per pedes cannaniarum et sic uadit ad supradictam siluam. Ego itaque Sagamorus in simul cum [patre meo Giro]ldo de Fay, et pater meus simul mecum, hoc priuilegium ita studiose et distincte fieri fecimus propter prauos et malignos nec non et diuersos dominos et baliuos qui post mortem nostram uenturi et regnaturi sunt, [ut ecclesia sancte Sop]hie et abbates eius, qui post nos uenturi erunt, in pace et quietudine cum omnibus suis pertinentiis permanere et consistere ualeant. Proinde hoc priuilegium te magistrum Asclitinum

[171] *Johannes*, Bishop of Vulturara, appears in Ughelli's list in the year 1037 (Ughelli-Coleti, t. viii, col. 390); he should be transferred, according to Klewitz, to the twelfth century, because the *Vita S. Adalberti*, in which he is mentioned belongs to this century, since the saint died on 5 April, 1127 (H. W. Klewitz, 'Zur Geschichte des Bistumsorganisation Campaniens und Apuliens,' in *Quellen und Forschungen aus Italienischen Archiven und Bibliotheken*; Bd. xxiv., 1933, p. 52, Vulturara, and p. 50, Monte Corvino). The date of the saint's death should be 1137 instead of 1127, because count William of Loritello, who is mentioned in this connection in the *Vita*, was count only in this year. Undoubtedly this bishop is to be identified with the *Johannes* of our document.

[172] For S. Angelo in Vico, see *ante*, p. 76, n. 166.

dictare et componere et te Benedictum [scribere iussimus in presentia] Johannis iudicis et testium subscriptorum ad proficuum et utilitatem ecclesie Sancte Marie que dicitur Sancte Sophie [173] contra omnes sibi aduersantes et calumniam inferentes septimo die astante mensis Au[gusti. Nos hoc i]taque priuilegium bonorum hominum testimonio confirmatum et corroboratum supradicte ecclesie perpetualiter ualiturum fieri precepimus, ut libere et secure eam habeat et possideat omni occasione procul semper [remota. Si quis uero homo uel] femina hoc prouilegium quoquomodo infestare seu effrangere presumpserit mille reales regali curie sit compositurus. Hoc tamen priuilegium firmum et roboratum semper consistat et permaneat . . . mense Augusti apud Sanctam Mariam de Sambuculo [174] feliciter descriptis.

†Ego igitur archiepiscopus Petrus Beneuentanus de precatu domini Giroldi de Fay et Sagamori filii eius dilectissimi nostri . . . cum episcopo Raymundo Ciuitatense,[175] cum episcopo Johanne Vulturariense, et cum episcopo Roberto Boianense,[176] post missarum sollempnia inpresentia multorum hanc excommunicationem fecimus quamuis inultam . . . amore istorum constricti aliud facere minime uoluimus. Nos enim ex auctoritate et ex parte Dei omnipotentis Patris et Filii et Spiritus Sancti et perpetue Virginis Marie sanctique Mi[chaelis Arcangeli et sancti Johannis B]aptiste necnon apostolorum Petri et Pauli atque Bartholomei omniumque sanctorum, excommunicamus, anathematizamus, et maledicimus homines uel feminas qui in dicto uel in facto seu in consensu fuerint . . . ut hoc priuilegium aliquatenus cassare seu effrangere et continentiam eius euacuare uel destruere uoluerint, excommunicentur, anathematizentur et maledicantur, ut a societate [omnium christianorum] separati in inferno cum diabolo et ministris eius in perpetuum sint dampnati, nisi ad emendationem et congruam satisfactionem peruenerint. Die enim noctuque et horis omnibus atque momentis [omnibus totius vite eorum sint] maledicti, uigilando, dormiendo, manducando, bibendo, sedendo, iacendo, stando, ambulando et laborando, nunquam uero de filiis et filiabus suis plenum gaudium [habeant, et in adversit]ate, in calamitate, et in miseria multa dum uixerint permaneant. Exeuntibus itaque animabus eorum de corporibus nigerrima et teterrima demonum caterua eis occurrat, tartarene enim legiones . . . animas recipiant, et in omnibus periculis infernorum et in locis tormentorum et penarum et Geenne ignis flammarum eas perducant, quatinus ibi cum Iuda traditore, cum Cayphan, cum Herode, cum Pontio Pilato, [cum Cayn, cum F]aroe, Arfaxet, cum Dathan et Abiran in perpetuum dampnentur et crucientur nisi infestatione et contrarietate huius priuilegii recedant et resipiscant. Quem amodum enim cerei isti modo extinguntur iamque ita anime eorum [extincte iaceant nisi ad e]mendationem convenienter peruenerint. fiat. fiat. fiat.

First column

[†Ego Petrus Beneuentanus] archiepiscopus
[†Ego Johannes Vulturariensis episcopu]s testis

[173] It is difficult to offer any satisfactory explanation of this double dedication of the church.

[174] S. Maria de Sambuculo has not been definitely identified: the church of S. Maria de Sambuco, near to Benevento appears in the *Liber Censuum*, and they may well be the same.

[175] A bishop of Civitate hitherto unknown; he does not appear in the list of Ughelli, ed. Coleti, t. viii, col. 270–271, nor in the additions of Klewitz, *op. cit.*, p. 47, *Civitate*, although he mentions the predecessor of Raymond, a certain John in 1143.

[176] Ughelli, ed. Coleti, t. viii, col. 243. 'Robertus cuius mentio in monumentis Ecclesia habetur an. 1147.'

[†Ego Raymundus Ciui]tatis episcopus testis
[†Ego Robertus Boia]nensis episcopus testis
[†Ego Giroldus] de Fay dator et defensor testis
[†E]go Sagamorus concessor, dator et defensor in omnibus et per omnia testis
†Ego Aburnamundus testis [177]
†ego qui supra Iohannes iudex testis
†ego magister Rufus testis
†Ego Ascarus diaconus testis
†Ego Palmerius testis
†[Ego] . . . presbyter de Salerno
[Ego Robbertus] filius Robberti filii Riccardi Ciuitatis comes testis.

Second column

†Ego Magister Asclettinus testis [178]
†Ego Robertus de Ponte testis [179]
†Ego Lucas de Quatrano testis [180]
†Ego Perrone Fullotris testis [181]
†Ego Gualterius Cortesanus testis [182]
†Ego Alferius de Pandolfo testis [183]

No. 2.

1176 *10 Feb. Ind. X.* *Toro.*

Record of a concord agreed in the presence of abbot Nazzarius of S. Maria della Strada, several monks and judges and other 'boni homines' of Toro between John IV, abbot of S. Sofia di Benevento, Cardinal S. R. E., and the knights Robert of Toro and William of Lupara in regard to the services owed for the repair of the sluice-gate of the mill at Toro.

Archivio storico provinciale, Benevento, Pergamene di S. Sofia, vol. 13, n. 16; original, unpublished; the parchment is white on the recto, and measures mm. 243 × 205. The hand is a diplomatic minuscule; while the last signature is in a good Beneventan hand; on the verso: Oblatio nonnullorum hominum Thori pro seruitiis inferendis Abbati Monasterii in reficiendis palatam molendini Thori; another note is illegible.

In nomine Domini, anno dominice incarnationis eiusdem millesimo centesimo septuagesimo sexto, octuadecimo anno pontificatus domni Alexandri tertii summi pontificis et uniuersalis pape, mense Februarii decimo die intrante, indictione decima. Cum diuersa genera causarum sepe sepius in iudicio uol [uebantur], accidit quod nos

[177] Perhaps to be identified with Brunamons, who holds Chiusano, *Cat. Bar.*, p. 580, art. 326.

[178] The dictator of the present document, *cf.* above.

[179] Lord of Cercemaggiore, Viperano and Goffiano, *Cat. Bar.*, p. 580, art. 330.

[180] This Luke holds Quatrano from Robert of Partenico, *Cat. Bar.*, p. 580, art. 336.

[181] The family of Fullotris is not found in the *Catalogue*, an omission due in all probability to the fact that part of the register of the county of Civitate has not survived. The family, however, appears several times in documents of the twelfth century: (1) Robert Fullotris is a witness to the *Treuga Dei* of 1120 (F. Carabellese, *L'Apulia ed il suo Comune*, Bari, 1905, p. 541, doc. n. xxxviii), and also in a privilege of Robert Count of Loritello in Arch. stor. prov. Benev. Perg. S. Filippo, vol. 10, No. 26); (2) Richard Fullotris is mentioned as a 'judex electus' in a document of Stephen of Sora, inhabitant of Lesina, in the presence of count William of Lesina in 1142 (Cart. S. Maria di Tremiti, f. 42 recto, Bibl. Naz. Napoli, xiv, A, 30).

[182] He is a witness in 1147 for Hugh Markese, lord of Castelbottaccio and Lupara, in a judgement of Count Hugh II of Molise (E. Jamison, 'The Administration of the county of Molise,' App. n. 1, in the *English Historical Review*, October 1929, p. 554, and 'I conti di Molise e di Marsia,' App. n. 1, in *Atti del Convegno storico abruzzese-molisano*, vol. i, Casalbordino, 1932, p. 153.

[183] Perhaps to be identified with Alferius de Gambatesa, *Cat. Bar.*, p. 580, art. 335.

Iohannes †sancte romane ecclesie presbyter cardinalis et quartus uenerabilis Sancte Sophie abbas interpellauimus Robbertum militem quondam filium Bernardi de Toro hominem et fidelem nostrum, quia tam ipse quam homines sui, quos ab ecclesia nostra et a nobis tenebat, debitum seruitium ecclesie nostre et nobis . . . et faciendi ac reficiendi palatam molendini nostri de Toro [184] cum necesse esset subtraebant. Set ante quam lis ista stricto iure finiretur tam ipse predictus Robbertus quam W. de [L]uparia,[185] interuentu precum bonorum hominum, uidelicet Abbatis Nazzarii Sancte Marie de Strata, Salfridi militis, Bernardi iudicis de Toro, Domni Elisei monachi monasterii Sancti Vincentii, Domni Iohannis Remingeri monachi et capellani nostri, Domni Rogerii monachi et capellani nostri, iudicis Bernardi Farazani, et aliorum multorum bonorum hominum Tori, bona eorum uoluntate, nolentes debita seruitia ecclesie nostre et nobis subtraere, concesserunt tam ipsi quam homines sui semper in futurum supradicta seruitia nostre ecclesie et nobis debita, cum necesse fuerint facere. Et ut perpetuis temporibus memorie habeatur, tibi Ionathe notarie taliter scribere iussimus quia adfuisti. Actum in castello Toro feliciter. [S.T.]

†Signum crucis proprie manus fratris Nazarii
†Ego Bernardus iudex Ferazani adfui . . . [186]
†Signum crucis proprie manus Guilielmi archipresbyteri Sancti Iohannis in Gualdo [187]
†Ego Bernardus iudex de Toro adfui

No. 3.

Beginning of the reign of Charles I.

Summary of a mandate sent to the justiciar of the Terra di Lavoro for the revocation to the royal demesne of the moiety of the barony of Agnone, formerly belonging to the late Borrellus of Agnone; of the fourth part of the same barony formerly belonging to the late Thomas of Agnone, of his barony of Petrella and of the *castella* of Matrice and of Campodipietra with their *casalia* formerly belonging to his wife, the late lady Mephia.

Grande Archivio di Stato, Naples; De Lellis, 'Notamenta ex Registris,' vol. iv bis, p. 614, from the lost Reg. Ang. 1271 D, f. 8., unpublished.[188]

Iusticiario Terre Laboris mandatum quod revocet ad manus Curie medietatem baronie Angloni que fuit quondam Burrelli de Anglone et quartam partem dicte baronie que fuit quondam Thomasii de Anglone nec non et baronie Petrelle que fuit eiusdem Thomasii et castra Matricis et Campi de Petra cum casalibus suis que fuit quondam domine Mephie uxoris eiusdem.

[184] Toro (km. 12·9 from Campobasso) was a *castellum* of the county of Molise granted in 1092 and again in 1124 to S. Sofia of Benevento by Robertus filius Trostayni (*cf.* E. Jamison, 'Administration of the county of Molise,' in *English Historical Review*, October 1929, p. 556, n. 5.

[185] In the *Catalogus Baronum* the following entry appears on p. 592, art. 777: 'Manfridus Marchisius filius Hugonis Marchisii et frater eius tenent de eodem Hugone (*i.e.* filio Acti) Lupariam et Calcabuczam . . .'; and in the following article: 'Guillelmus frater eius tenet . . . Campum de Petra'; this William may apparently be identified with the W. de Luparia of the present document; *cf. ante*, pp. 39, 40.

[186] Ferrazzano, Frazione of the Comune of Campobasso.

[187] S. Giovanni in Galdo (km. 14·9 from Campobasso) was a *castellum* granted to S. Sofia of Benevento by the counts of Molise, for the first time perhaps by Count Ralph II, and repeatedly confirmed by his successors (*cf.* E. Jamison, *op. cit.* p. 556, n. 5).

[188] I am able to publish this and the following documents from the Angevin Registers and Fascicoli and from the 'Notamenta' of Carlo de Lellis owing to the researches and transcripts made for me with great patience and efficiency by Signorina Dott. Bianca Mazzoleni.

No. 4.

1269 *22 June, Ind. XII.* *'in castris in obsidione Lucere.'*

Mandate of Charles I ordering the restitution of the *castella* of Matrice and Campodipietra to Gemma of Lupara, widow, in virtue of a special inquest held by the justiciar of the Terra di Lavoro in order to establish the right of Gemma, daughter of Constance, to the possession of these *castella*.

Reg. Ang. 1269 B, n. 4, f. 192 v°, unpublished.

Pro Gemma de Lupara.

Karolus etc. secretis eisdem etc. Cum Drivo de Regibayo, regni Sicilie magistri iusticiarii vicemgerens, assidente sibi Audemario de Trano, Magne Curie nostre iudice, visa et inspecta inquisicionem per iusticiarium Terre Laboris de novo factam mandato super hoc, possessionem castri Matricis et Campi de Petra, sitorum in comitatu Molisii, qua Gemma de Lupara vidua, filia quondam Constantie iniuste fuerit spoliata, eidem Gemme restituendam adiudicavit sententialiter, prout in instrumento dicte sententie ipsius conventionis inde confecto plenius continetur, fidelitati vestre firmiter precipiendo mandamus quatenus vos vel alter vestrum qui presens fuerit, dictam Gemmam, vel procuratorem eius suo nomine, in ipsorum castrorum iurium et pertinenciarum ipsorum possessionem iuxta tenorem predicte sententie reducatis et defendatis reductam . . . proprietate nobis et cuilibet alii semper salvo. Datum in castris in obsidione Lucere, XXII iunii, XII indictionis.

No. 5.

1269 *17 September, Ind. XIII.* *Melfi.*

A royal order issued to Simon of S. Angelo, royal justiciar, on the petition of the abbot and convent of S. Maria della Strada, to prohibit Peter, son of the Lady of Lupara, from demanding the oath of *assecuratio* from the men of the monastery, and from seizing their houses, lands, etc. The abbot maintains that the monastery is free from all secular control, and Peter must prove his right in the *magna curia*.

Reg. Ang. 1269 D, n. 6, f. 82; published by Gasdìa, 1911 and 1925, doc. i, with slight variants. The text here printed is based on a transcript of the Signorina Dott. B. Mazzoleni.

Pro abbate et conventu Monasterii sancte Marie de Strata. Karolus, etc. Symoni de Sancto Angelo fideli suo, etc. Ex parte abbatis et conventus Monasterii S. Marie de Strata nostrorum fidelium maiestati nostre fuit humiliter supplicatum quod cum Monasterium ipsum in nullo teneatur alicui seculari et Petrus filius domine de Lupara pro parte matris sue et contra iustitiam ab eodem abbate et vassallis ipsius Monasterii petit sacramentum assecurationis, molestando ipsos propterea in personis et rebus auferendo domos terragia et boves et alia animalia tam Monasterii quam vassallorum eius in ipsorum preiudicium et non modicam lesionem et ob hec sic etiam excommunicationis vinculo innodatur. Cumque supplicaverint sibi super hoc de benignitate regia benignius provideri et nolimus ecclesias regni nostri in aliquo opprimi seu gravari fidelitati tue, etc., quatenus eidem Petro ex parte maiestatis nostre inhibeas sub pena quinquaginta unciarum auri quod predictos abbatem et vassallos ipsius monasterii non debeat molestare nec aliquem super premissis violentiam irrogare. Si quod vero ius super predictis contra abbatem et vassallos ipsius monasterii predictus Petrus habere intendit in nostra Magna Curia veniat ostensurus. Datum Melfie, XVII septembris XIII indictionis.

No. 6.

1272–1273 *Matrice.*

General inquest of 1272–1273 made with the object of obtaining information regarding the 'barones vel pheudatarios latinos tenentes terras vel bona pheudalia in capite.' The document summarizes the testimony of the men of 'castrum Matricii': (1) that Peter of Lupara is the Latin lord *in capite* of the fief, (2) that he enjoys the fiscal and judicial rights here detailed. There is the further information that the same 'dominus Petrus tenet Lupariam et Casale Sancte Marie de Strata,' a statement confirmed by the two following inquests, Nos. 7 and 8.

Cf. E. Sthamer, *Bruchstücke mittelalterlicher Enqueten aus Unteritalien*, pp. 26, 27; (Abhandl. d. preussischen Akademie der Wissenschaften, Phil.-Hist. Klasse, n. 2, Berlin, 1933).

Fascicolo Angioino, n. 58, f. 125, unpublished.

Inquisicio facta in Matricio.

Philippus notarii Petri iuratus et interrogatus si sciret aliquod barones vel pheudatarios latinos [tenentes] terras vel bona pheudalia in capite in dicto castro et pertinenciis eius dixit [se scire quod dominus] Petrus de Luparia, dominus dicti castri, tenet illud in capite, nec sunt aliqui barones vel pheudatarii ibidem qui tenebant bona pheudalia in capite sicut ipse testis bene novit. Interrogatus in quibus proventus ipsius castri consistunt et de valore annuo eorumdem, dixit quod consistunt in subscriptis iuribus tantum, videlicet Banco iusticie, herbatico, peciis de terra tribus, una quarum est in loco ubi dicitur ad sanctam Barbaram, alia est in loco ubi dicitur sanctus Nicolaus,[189] alia est in loco ubi dicitur Salectu, molendinum unum [190] in flumine Rog . . . vinea una in loco ubi dicitur Callem, orto uno contiguo ipsi castro qui valent et valere possunt per annum quantitatem tantum subscriptam et non plus videlicet: Bancum iusticie tarenos novem, herbaticum tarenos sex, pecia de terra que est ad sanctam Barbaram tarenos octo, pecia de terra que est ad sanctum Nicolaum tarenos duodecim, pecia de terra que est ad Salectum tarenos quinque, molendinum predictum unciam unam, vinea predicta tarenos decem et septem, ortus predictus tarenos tres, que tota pecunia est in summa ad generale pondus unciarum auri tres. In causa scientie dixit quod vidit retrohactis temporibus pluries proventus iurium predictorum locari ad extalium per annum pro ea quantitate tantum et non ultra et quandoque pro minori, et ipse etiam testis fuit unus de emptoribus et conductoribus iurium et proventuum eorumdem. Item dixit quod idem dominus Petrus tenet Lupariam et casale sancte Marie de Strata de quorum iuribus et proventibus annuis dixit se nescire. Interrogatus de aliis dixit se nescire.

Henricus de Fulco iuratus et interrogatus super premissis dixit idem quod proximus, excepto quod non fuit emptor vel de emptoribus dictorum iurium, sed vidit ea pluries vendi ad extalium et pluries ad credenciam procurari et ipse etiam testis non daret de proventibus dictorum iurium per annum ultra quantitatem predictam.

Guillelmus Hugonis iuratus et interrogatus super premissis dixit idem quod Philippus primus testis.

Robertus Hugonis iuratus et interrogatus super premissis dixit idem quod Henricus de Fulco.

Lando Nicolai iuratus et interrogatus super premissis dixit idem ut proximus.

Judex Guillelmus iuratus et interrogatus super premissis dixit ut proximus.

[189] Colle S. Nicola, to the south of the road from Campobasso to Larino.

[190] There is to-day in the neighbourhood a 'Piano Molino.'

Judex Thomasius iuratus et interrogatus super premissis dixit idem ut Philippus predictus.

. . . Johannis iuratus et interrogatus super premissis dixit idem quod Henricus de Fulco.

. . . iuratus et interrogatus super premissis dixit idem quod proximus.

No. 7.

1272–1273 *S. Maria de Strata.*

General inquest of 1272–1273, in close connection with the preceding No. 6 with the object of obtaining information concerning the 'barones vel pheudatarios latinos tenentes terras vel bona pheudalia in capite.' The testimony of the men of the 'casale Sancte Marie de Strata' is reported: (1) that Peter of Lupara is the Latin lord *in capite* of the fief, (2) that he enjoys the fiscal and judicial rights enumerated by the jurors: *cf.* E. Sthamer, *loc. cit.*

Fascicolo Angioino, n. 58, f. 125; ed. Gasdìa, doc. v, 1911 and 1925.

Inquisicio facta in casali sancte Marie de Strata.

Gualterius Roberti baiulus de eadem terra iuratus et interrogatus si sciret aliquos barones vel pheudatarios latinos tenentes terras vel bona pheudalia in capite in dicto casali et pertinenciis eius, dixit se scire quod dominus Petrus de Luparia latinus dominus dicti castri tenet ipsum casale in capite, nec sunt aliqui barones vel pheudatarii ibidem qui teneant bona pheudalia in capite sicut ipse testis bene novit. Interrogatus in quibus proventus ipsius casalis consistunt et de valore annuo eorumdem dixit quod consistunt in subscriptis iuribus tantum, videlicet in Banco iusticie quod valet per annum tarenos septem et redditibus vassallorum qui valent per annum tarenos octo et non plus, que tota pecunia est in summa ad generale pondus tareni auri quindecim. In causa scientie dixit quod pluries retrohactis temporibus vidit proventus dictorum iurium locari ad extalium per annum pro ea quantitate tantum et non ultra et quandoque pro minori [a] et ipse etiam testis fuit unus de emptoribus et conductoribus iurium proventuum eorumdem, interrogatus de aliis dixit se nescire.

Bartholomeus Juliani iuratus et interrogatus super premissis dixit idem quod proximus excepto quod non fuit emptor vel de emptoribus dictorum iurium set vidit ea pluries vendi ad extalium et pluries etiam ad credenciam procurari et ipse etiam testis non daret de proventibus dictorum iurium per annum ultra quantitatem predictam.

Gualterius Bartholomei iuratus et interrogatus super premissis dixit idem quod Gualterius Roberti.

Palmerius Altrude iuratus et interrogatus super premissis dixit idem quod Bartholomeus Juliani.

Judex Bartholomeus iuratus et interrogatus super premissis dixit quod proximus.

Petrus de Matrice iuratus et interrogatus super premissis dixit quod proximus.

Johannes de Paulo iuratus et interrogatus super premissis dixit idem quod Gualterius Roberti.

Petrus Guillelmi iuratus et interrogatus super premissis dixit idem quod Bartholomeus Juliani.

Robertus Guillelmi iuratus et interrogatus de premissis dixit idem quod proximus.

[a] The MS. reads *maiori*.

Bartholomeus Jordani iuratus et interrogatus super premissis dixit idem quod proximus.

(The 'Inquisicio facta in Matricio' (No. 6) follows immediately this inquest in the register.)

No. 8.

1272–1273. *Lupara.*

General inquest of 1272–1273 with the object of obtaining information concerning the 'barones et pheudotarios latinos tenentes terras, pheudum seu pheuda, aut bona pheudalia in capite.' The testimony of the men of 'castrum Luparie' is reported: (1) that Gemma of Lupara is the Latin lady *in capite ex successione parentum et predecessorum suorum;* (2) that she enjoys the fiscal and judicial rights of which an interesting list is appended; *cf.* E. Sthamer, *loc. cit.*

Fascicolo Angioino, n. 9, f. 156, unpublished.

Inquisitio facta in Luparia.

Tancredus de Luparello baiulus dicte terre Luparie, iuratus et interrogatus si sciret aliquos barones et pheudotarios latinos tenentes terras, pheudum seu pheuda aut bona pheudalia in capite infra terras et loca distincta in supra scripta commissione dixit [quod] domina Gemma de Luparia, que latina est, tenet in capite a Regia Curia predictum castrum Luparie ex successione parentum et predecessorum suorum. In causa scientie dixit quod temporibus retrohactis, a tempore quo non estat memoria, et usque nunc vidit predecessores predicte domine dum vixerunt et usque ad eorum obitum et deinde subsequenter predictam dominam tenere et possidere predictam terram in capite et sic vidit eos semper servire de terra ipsa in capite et addohare quando Curia pro tempore mandabat addohamentum fieri per barones et pheudotarios regni. Interrogatus in quibus redditus et proventus dicte terre consistunt et de valore annuo eorumdem, dixit quod consistunt redditus et proventus ipsius in subscriptis iuribus tantum videlicet: forfacturis et plateaticis; operis hominum, longis porcinis, et buccellatis, vicendis tribus, vinea una et molendino uno. Quorum proventus et redditus valent et valere possunt per annum quantitatem subscriptam tantum et non plus, videlicet proventus forfacturarum et plateatici tarenos auri decem, redditus operarum tarenos quindecim, redditus longarum porcinarum tarenos duos, redditus buccellatorum tarenum unum, redditus predictarum trium vicendarum thomolum frumenti quadraginta valentes tarenos viginti ad rationem de granis decem per thomolum. Redditus vinee predicte de vino salmas viginti valentes tarenos viginti ad rationem de tareno uno per salmam, redditus molendinarum frumenti thomoli quadraginta quattuor valentes tarenos viginti duos ad predictam rationem de granis decem per thomolum. Que tota pecunia est in summa unciarum tres. Interrogatus de causa scientie dixit quod pluries retrohactis temporibus vidit iura ipsa concedi et locari ad extaloum (sic) per annum pro ea quantitate tantum et quandoque pro minori et hoc anno idem testis emit ad extalium dicta iura pro dicta quantitate tantum et vidit etiam quandoque iura ipsa infra predictum tempus procurari ad credentiam et vidit inde poni rationem et maior quantitas non fuit inde recepta, et ipse etiam testis non daret pro eisdem iuribus ultra quantitatem ipsam per annum. Interrogatus de aliis dixit se nichil inde scire.

Iudex Henricus de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus excepto quod dixit se non emisse predicta iura in extallium et quod dixit se non vidisse inde poni rationem.

Symon de Muritio de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus.

Nicolaus de Malfrido de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus.

Gregorius de Rogerio de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus et addidit quod dixit se vidisse inde poni rationem et maior quantitas non fu[it] inde recepta.

Ugo de Zachia de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus.

Bartholomeus de Raymundo de eadem terra iuratus et interrogatus super predictis dixit idem quod proximus excepto quod dixit se non vidisse predicta iura procurari ad credenciam et quod non vidit inde poni rationem.

Petrus de Adenulfo de eadem terra iuratus et interrogatus super predictis omnibus dixit idem quod proximus.

No. 9.

1273 *3 July, Ind. I.*

Note of the annual value of Matrice, a fief of the lady Gemma of Lupara, who has sent by the hand of Richard of Lauria the sum of 2 gold ounces and 15 tarenes owed to the *curia*.

Fascicolo Angioino, n. 87, f. 131 v°.

Domina Gemma de Luparia.

Tenet Matricium et uncias auri septem valere inventum est annuatim qui exibere debet ad rationem predictam ad generale pondus auri uncias IIII. tarenos XI. grana V.

Die lune III iulii prime indictionis apud Capuam, recepimus pro parte Curie a predicta domina Gemma de Luparia per manus Riccardi de Lauria de predicta pecunia ad generale pondus auri uncias II, tarenos XV.

No. 10.

1275 *12 May, Ind. III.* *Capua.*

Mandate issued to the justiciar (of the Terra di Lavoro and Contado di Molise, Galeot de Fleury) to hold an inquest into the truth of the complaint made by the abbot of S. Maria della Strada in regard to the seizure by Peter of Lupara 'manu armata' of the casale of S. Maria from the monastery. If it should be established that Peter had done this of his own authority against the monastery's privilege from King William, the justiciar is ordered to make restitution of the casale to the monastery according to the procedure recently decreed. There is a reference here to the edict of the 15 March, 1272, *cf.* R. Trifone, *La Legislazione Angioina*, Naples, 1921, doc. n. XXII.

Reg. Ang. 1274 B, n. 21, f. 195; published by Gasdìa, doc. ii, 1911 and 1925; collated by Signorina Dott. B. Mazzoleni.

Pro monasterio sancte Marie de Strata.

Scriptum est eidem iusticiario etc. conquestus est nobis abbas et conventus monasterii sancte Marie de Strata quod, licet casale sancte Marie de Strata semper fuerit et sit monasterii supradicti ex collactione clare memorie Guillelmi Sicilie regis, cuius privilegium super hoc asserunt se habere, nuper eisdem abbati et conventui tenentibus et possidentibus casale predictum, Petrus de Luparia miles manu armata accedens ad illud, auctoritate propria eodem casali dictum monasterium spoliavit super quo supplicavit etc. Quare fidelitati tue precipiendo mandamus quatenus, partibus in tua

presentia convocatis, inquisitionem super premissis omnibus facias et si invenietur eumdem Petrum spoliasse auctoritate propria, sicut proponitur ipsum monasterium, casali predicto, procedas ad faciendam restitutionem de ipso dicto monasterio, secundum formam per nos editam super destitutionibus violentis nisi Curia nostra dictum casale teneat vel nos alicui duxerimus concedendum. Datum Capue XII madii, III indictionis.

No. 11.

1276 *20 January, Ind. IV.* *Rome.*

Mandate given to the justiciar (of the Terra di Lavoro and Contado di Molise), not to trouble Gemma, lady of the barony of Lupara, widow, on the occasion of the summons to the barons to perform their military service, because her son Nicolas was in the king's train at Rome.

Reg. Ang. 1275 A, n. 22, f. 48 v°, unpublished.

Pro Nicolao de Luparia.

Scriptum est eidem iusticiario etc. cum Nicolaus de Luparia miles, natus Gemme vidue, domine baronie de Luparia, nobiscum ad Urbem venerit et in comitiva nostra intretur, volumus et fidelitati tue precipimus quatenus eamdem viduam, occasione mandati nostri tibi directi de sumonendis baronibus habentibus integra pheuda quod ad Sanctum Germanum vel Aquinum accederent moraturi, et de exigendo a non habentibus integra pheuda servicium debitum, pro terris quas tenerit, aliquatenus non molestes. Datum Rome, XX Januarii, IV indictionis.

No. 12.

? 1277–1278, or ? 1283–1284. *Matrice.*

General inquest to obtain information concerning (1) 'pheodotarii qui Regie Curie servire teneantur de servicio militari,' (2) 'valor annuus' of the land. The testimony of the men supplies the names of 'dominus Petrus et dominus Nicolaus qui sunt domini in Matricio,' the value of the land amounting to six gold ounces.

The precise date of the inquest is difficult to establish: the heading 'Dominus Petrus et dominus Nicolaus de Luparia filii domine Gemme,' suggests that it belongs to a period earlier than the death of Gemma in 1280, and therefore to the third general inquest of feudal import of the years 1277 and 1278. The subject of the present inquest, however, does not correspond precisely with the fragments of the third inquest, which are hitherto known (N. Cianci Sanseverino: *I campi pubblici di alcuni castelli del medio evo in Basilicata*, Naples, 1891). Since the questions asked in the present document refer to military service, it would seem that it belongs to the sixth inquest ordered by Charles I, in 1283–1284, in connexion with the military mobilization begun after the Sicilian Vespers. In this case, the word 'quondam' has been omitted in error before Gemma's name (*cf.* E. Sthamer, *op. cit.* p. 28, and n. 6).

Fascicolo Angioino, n. 24, f. 79; unpublished.

Dominus Petrus et dominus Nicolaus de Luparia filii domine Gemme.

In Matricio.

Iohannes de Roberto iuratus et interrogatus si in terra ipsa essent aliqui pheodotarii qui Regie Curie servire teneantur dixit quod in terra ipsa sunt dominus Petrus et dominus Nicolaus de Luparia qui sunt domini ipsius terre et tenent eam a Regia Curia et inde servire tenentur de servicio militari regie Curie. Interrogatus de annuo valore ipsius terre dixit quod annui proventus et redditus ipsius terre valent comuni estimatione uncias auri sex. Interrogatus qualiter sciret, dixit quod pluries vidit vendi annuos proventus et redditus ipsius terre pro quantitate predicta et ipse emeret eos pro tanta quantitate et non pro maiori, de aliis nichil.

Gerardus de Matricio iuratus et interrogatus de predictis dixit idem per omnia quod proximus.

Nicolaus de Buiano iuratus et interrogatus dixit idem per omnia quod proximus.

Andrea frater eius iuratus et interrogatus dixit idem per omnia quod proximus.

Philippus de Matricio iuratus et interrogatus dixit idem per omnia quod proximus.

Nicolaus de Matheo iuratus et interrogatus dixit idem per omnia quod proximus.

No. 13.

? 1277–1278, or ? 1283–1284. *Casale of S. Maria della Strada.*

General inquest concerning S. Maria della Strada in close connexion with the preceding inquest for Matrice. This connexion destroys without any doubt the view that it is a special inquest referring to the quarrel between Peter of Lupara and the abbey of S. Maria for the possession of the casale.

Fascicolo Angioino, n. 24, f. 81; published by Gasdìa, doc. iii, 1911 and 1925.

Est Monasterii Casinensis.

In Casale sancte Marie de Strata.

Symon iuratus et interrogatus si in predicta terra esset aliqui pheodotarii qui regie Curie servire teneantur, dixit quod predicta terra est Monasterii Casinensis et ex ea nullum servicium debetur Regie Maiestati.

Leonardus iuratus et interrogatus de predictis dixit idem quod proximus.

Fredericus iuratus et interrogatus de predictis dixit idem quod proximus.

Philippus de Berardo iuratus et interrogatus dixit idem quod proximus.

Jacobus de Recta iuratus et interrogatus dixit idem quod proximus.

Robbertus de Thomasio iuratus et interrogatus dixit idem quod proximus.

No. 14.

1278 *5 July, Ind. VI.* *Melfi.*

Mandate to the justiciar (of the Terra di Lavoro and Contado di Molise) to summon before the Vice-Master Justiciar, Peter of Lupara and his brother accused of holding the barony of Lupara to the prejudice of the rights in it of the royal *curia*.

Reg. Ang. 1276 B, n. 26, f. 144; unpublished.

Pro curia citatio.

Scriptum est eidem iusticiario etc. cum Petrus de Luparia et Nicolaus frater eius, milites, baroniam Luparie, sitam in iusticiariatu predicto, cum iuribus et pertinenciis suis ad curiam nostram pleno iure spectantem, tenere dicantur in preiudicium eiusdem nostre Curie occupatam, et procurator fisci nostri, eiusdem nostre Curie nomine, voluit eos exinde coram vicemagistro iusticiario et iudicibus convenire, fidelitati tue precipimus quatenus dictos fratres peremptorie cites ut, decimo post citationem tuam in dicta curia, cum omnibus cautelis et iuribus que habere se dicunt, coram dictis vicemagistro iusticiario et iudicibus se presentent, eisdem procuratoribus super premissis in iudicio responsuri. Die citationis etc. Datum Melfie, V iulii (VI indictionis).

No. 15.

1280 *9 July, Ind. VIII.* *Melfi.*

Royal letter sent to (the justiciar of the Terra di Lavoro and Contado di Molise) informing him that on the recent death of Gemma of Lupara, her son Nicolas of Lupara *iure longobardorum viventem ipsum*,

petitioned on behalf of himself and his brother Peter (*i.e.* in accordance with Lombard law) for the right of taking the oath of security, as heirs of their mother, from the men of her lands. The justiciar is ordered to hold the necessary inquest and certify the *curia* 'in forma de inquisicione super assecuratione.'

Reg. Ang. 1270 B, n. 8, f. 73; unpublished.

Pro Nicolao de Luparia milite.

Scriptum est eidem etc. suplicavit escelentie (sic) nostre Nicolaus de Luparia milex, filius quondam Gemme de Luparia, fidelis noster, quod, cum mortua sit nuper dicta Gemma, mater sua, cuius se ac fratrem suum Petrum de Luparia militem, dicit legitimos filios et heredes, iure longobardorum viventem ipsum, ab hominibus terrarum, quas dicta mater eius, quo aduiscit, (sic) tenuit et possedit, et ipsi etiam fratres ex successione materna tenent, ut dicit, et possident, assecurari, iuxta regni consuetudinem, mandaremus. Nos autem certivicari (sic) volentes de tempore mortis ipsius matris sue et si ipse supplicans fuerit filius eius et si dicta mater sua tenuit, dum vixit, aliqua bona feudalia, que, ubi, et quo iure et si cum hominibus vel sine hominibus etc. ut in forma de inquisicione super assecuratione. Datum Melfie, VIIII Julii, VIII indictionis.

No. 16.

1280 *26 July, Ind. VIII.* *Lagopesole.*

Royal letter, analogous to the preceding (No. 15), on the occasion this time of the petition of Gemma's other son, Peter of Lupara *iure francorum viventem ipsum*, on his sole behalf, without mention of his brother (*i.e.* in accordance with Frankish law), for the right of taking the oath of security as his mother's heir from the men of her lands. The justiciar is ordered to hold the inquest and certify the Magistri Rationales 'inquisicione ipsa discussa super assecuratione huiusmodi et secundum formam que servatur in talibus.'

Reg. Ang. 1270 B, n. 8, f. 75 v°; unpublished.

Pro Petro de Luparia.

Scriptum est eidem iusticiario etc. supplicavit excellentie nostre Petrus de Luparia miles, fidelis noster, ut, cum mortua sit nuper Gemma de Luparia mater sua, cuius se dicit legitimum filium et heredem, iure francorum viventem ipsum, ab hominibus terrarum, quas dicta quondam mater sua, quo aducxit (sic) iuste tenuit et possedit, et ipse etiam ex successione materna iuste tenere et possidere se asserit, assecurari iuxta regni consuetudinem mandaremus. Nos autem certificari volentes de tempore mortis ipsius Gemme, et si supplicans ipse fuerit et sit eius legitimus filius et heredes, et si dicta Gemma, dum vixit, tenuit et possedit aliqua bona pheudalia et que, ubi et quo iure, et si cum hominibus vel sine hominibus, et si est pheudum quaternatum vel non, et si est pheudum integrum vel quota pars pheodi, et si bona ipsa pheodalia a Curia nostra tenuit in capite dum vixit, vel ab aliquo comite seu barone, et quomodo et de servicio quod pro huiusmodi bonis pheodalibus debito et consueto Curie nostre debet, et si vivebat iure francorum vel longobardorum, ac de annuo valore bonorum ipsorum pheodalium per partes et membra, et in quibuscumque consistunt, et si idem supplicans, tamquam filius et heredes ipsius Gemme, teneat et possideat bona ipsa feudodalia (sic) que dicta quondam mater eius, quoad vixit, iuste tenuit et possedit ex successione materna, et si tam quondam mater eius quam ipse fuerint et sint fideles nostri, et post felicem ingressum nostrum in regnum, et specialiter tempore translationis proxime preterite, ergo excellentiam nostram fideliter se gesserunt et gerunt, fidelitati tue precipiendo mandamus quatenus de premissis omnibus inquisicionem cum diligentia

facias, et eam factam sub sigillo tuo Magistris Rationalibus Magne Curie nostre mictas ut, inquisicione ipsa discussa super assecuratione huiusmodi et secundum formam que servatur in talibus, procedatur, cautus ne aliud quam quod inde scripseris ullo unquam tempore valeat per alium inveniri. Datum apud Lacumpensulem, XXVI Julii (VIII indictionis).

No. 17.

1281 *19 July, Ind. IX.* *Orvieto.*

Royal letter sent to the Captain of the Kingdom, informing him of the claims to the barony of Lupara in the Contado di Molise advanced by the brothers Oderisius Octavianus and Accurrebonus Masii (? Marchisii), citizens of Spoleto, whose ancestors had been dispossessed by the Emperor Frederick. They had returned with Charles of Anjou, but had been driven out afresh by the brothers Peter and Nicolas, sons of the late Nicolas of Palestrina. The Captain is ordered to summon the interested parties and do justice according to the customs of the kingdom.

Reg. Ang. 1281 A, n. 41, f. 140 v°, unpublished.

Pro Oderisio et fratre de Spoleto.

Scriptum est capitaneo in regno etc. Oderisius Octavianus, Accurrebonus Masii cives Spoleti, devoti nostri, ad nostram nuper presentiam venientes, celsitudini nostre exponere curaverunt quod, cum antecessores eorum olim per quondam Fredericum olim Romanorum Imperatorem ob fidem quam ad sanctam romanam gerebant ecclesiam, fuissent eiecti, in felici adventu nostro in regnum nobiscum tamquam exules regnum inviti intraverint, et baroniam Luparie sitam in comitatu Molisii, ad eos, ut asserunt, rationabiliter pertinentem, de mandato celsitudinis nostre recuperaverint illamque tenuerint et possederint, Petrus et Nicolaus filius quondam Nicolai de Penestrino, ausu temerario ducti, et securitate nostri dominii temere violata et eosdem Oderisium et Accurrebonum de possessione predicte Baronie per violentiam expulerunt, occupantes eamdem et capientes dictum Oderisium de persona, quare celsitudini nostre supplicaverunt humiliter ut provideri super hoc eis misericorditer dignaremur, propter quod fidelitati tue precipiendo mandamus quatenus partibus in tua presentia convocatis ordine iudiciario causam audias et deinde iuribus utriusque partis plene visis et diligentius discussis, facias eisdem petentibus super premissis secundum iuris ordinem et regni consuetudinem iusticia complementum. Datum ibidem (Urbem Veterem) XIX iulii (IX indictionis).

No. 18.

1286 *16 February, Ind. XIV.* *Naples.*

Letter (from the Regents of the Kingdom to the justiciar of the Terra di Lavoro and Contado di Molise) informing him that Peter of Lupara 'iure francorum vivens,' son of the late Nicolas de Theopaldo, and the lady Gemma recently deceased, as his mother's heir for Lupara and S. Angelo in Altissimo, has taken the oath of fidelity to the Regents, reserving his liege homage until the liberation of King Charles II, or the majority of his heir. The justiciar is ordered to impose the oath of security on the vassals, having previously received from Peter the relief owed on his succession to his mother's fiefs.

Fasc. Ang. n. 36, f. 15; unpublished.

Pro domino Petro de Luparia de assecuratione.

Scriptum est eidem iusticiario etc. Supplicavit nobis Petrus de Luparia miles, filius quondam Nicolai de Theopaldo, et nobilis mulieris domine Gemme, quod cum predicta domina Gemma mater sua nuper in fata decesserit, cuius se dicit legitimum

filium et heredem natu et etate maiorem iure francorum viventem ipsum Petrum tamquam filium et heredem predicte quondam domine Gemme matris sue ab hominibus quod in castro Luparie et casalibus sancti Angeli in Altissimo dicta quondam mater sua, quo aduixit, iuste tenuit et possedit et ipse etiam ex successione materna iuste nunc tenet et possidet, sicut dicit, assecurari iuxta Regni consuetudinem mandaremus. Nos igitur suis supplicationibus inclinati quia de premissis et ipsius Petri fide Curie plene constat quodque supplicans ipse nobis pro parte Regni heredum prestitit fidelitatis solite iuramentum, ligio homagio domino principi cum ad statum libertatis perveniet vel eius heredibus cum etatis legitime attigitur terminos reservato, devotioni vestre precipiendo mandamus quatenus recepto prius ab eodem Petro debito et consueto pro Curie parte relevio et a predictis hominibus vassallis suis pro parte ipsius Curie fidelitatis solite iuramento, cum ab hominibus dictorum castri et casalium vassallis suis assecurari faciatis iuxta consuetudinem Regni huius fidelitate predictorum heredum regie Curie et cuiuslibet alterius iuribus semper salvis. Pecuniam autem quam pro relevio ipso receperitis statim ad Regiam Curiam sine difficultatis obstaculo destinare curatis. Datum Neapoli die XVI februarii, XIV indictionis.[191]

No. 19.

? 1296 or 1297 — *S. Maria della Strada.*

General inquest of the year 1296–1297? as to the 'prelates, counts, barons and feudatories, who hold lands, castella and fiefs 'in capite' or 'nomine baliatus,' and as to the women, who hold lands 'ratione tertiarie.' The jurors state that in the casale of S. Maria della Strada the lord Nicolas of Lupara alone holds the casale 'in capite,' for the service of one gold ounce.

Fasc. Ang. n. 47, fol. 2 v° and 3; published by Gasdìa, 1911 and 1925, doc. iv, with variations; Signorina Dott. B. Mazzoleni has kindly collated the document, which I was able to examine myself in the Grande Archivio di Stato at Naples. It is badly rubbed, and it is impossible to read all of the text as printed by Gasdìa. The most important variants are noted below.

Item. Inquisitio facta in Casale sancte [Marie de Strata eodem die Martis].

. . . [a] de eadem terra Casalis sancte Marie de Strata, iuratus et interrogatus si sciret in terra ipsa Casalis sancte Marie de [Strata, territorio et pertinenciis] eius, aliquos prelatos, Comites, Ba[rones et Pheudotarios] terras, castra et pheuda a Curia Regia in capite tenentes, seu aliquos qui procurent [terras nomine] baliatus [et mulieres aliquas ratione tertiarie] terras seu pheuda tenentes, dixit se bene scire quod in terra ipsa Casalis sancte Marie de Strata est dominus Nycolaus [b] de Luparia [qui tenet terram ipsam in capite] a curia domini nostri domini Karoli.

Item. Interrogatus si sciret quod servitium pro ipsa terra Casalis sancte Marie de Strata dictus [c] dominus Nycolaus [b] Regie Curie facere teneretur, dixit quod dictus [c] dominus Nycolaus [b] Regie Curie facere tenetur [servitium] . . . pecunie unius uncie auri tam pro predicta terra Casalis sancte Marie de Strata quam [d] . . . In causa scientie dixit quod ipse vidit predictum dominum Nicolaum[b] a felici ingressu quondam domini nostri [regis] Karoli usque ad hec tempora facere Curie Regie

[191] The reference to the death of Gemma establishes a date subsequent to 1280; further, from the words *pro parte Regni heredum, ad statum libertatis*, etc., it is clear that the letter belongs to the period after the death of Charles I, during the captivity of Charles II and the minority of his son; the indiction XIV, therefore, corresponds to the year 1286.

[a] Gasdìa, 1911 and 1925, Similiter Petrus . . .

[b] id. 1911 Nicolaus, 1925 Marchysius.

[c] id. 1911 and 1925, dominus.

[d] id. 1911 and 1925, suggests 'pro terra Matritii,' certainly correctly.

pro predictis terris suis servitium unius uncie quotiens [fuit] exinde per Curiam Regiam de servitio requisitus.

Item. Bartholomeus de Matheo de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Benedictus de Bartholomeo de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Riccardus de Ioanne de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Ioannes de [Gilio] de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Petrus de Guillelmo de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Ioannes de Benedicto de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Bartholomeus de Monade de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Palmerius de Ioanne de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

Item. Petrus de Marco de eadem terra iuratus et interrogatus diligenter super predictis dixit idem per omnia quod proximus.

No. 20.

1300 *30 May, Ind. XIII.* *Naples.*

Letter patent sent to all the officials of the Kingdom concerned with feudal business, informing them that Nicolas of Lupara, royal familiaris, has accompanied to Hungary Charles (Carobert) grandson of the king; and on this ground, because Peter, the son of Nicolas, found it difficult to fulfil the military service owed on behalf of his father, as well as the service on behalf of his wife, he had received the royal permission to discharge his wife's service 'non personaliter sed in pecunia.'

Reg. Ang. 1300 X, n. 105, f. 64; unpublished.

Pro Petro de Luparia.

Scriptum est vicariis, capitaneis, iusticiariis et officialibus aliis regni nostri tam presentibus quam futuris, qui pro parte Curie Baronibus et pheudatariis Regni predicti habebunt iniungere vel mandare quod feudale servicium, per Barones et pheudatarios ipsos Curie nostre debitum, personaliter Curie ipsi prestent, quotiens huiusmodi servicium Baronibus et pheudatariis ipsis per eamdem Curiam indicetur, fidelibus nostris gratiam et bonam voluntatem. Cum Nicolaus de Luparia miles, familiaris et fidelis noster, ad requisicionem nostram exinde sibi factam, Karolum nepotem nostrum in Regnum Ungarie personaliter accedentem, voluntate placida comitetur in eiusdem Karoli serviciis que propria reputamus usque ad maiestatis nostre beneplacitum moraturus, ac pro bonis et negociis propriis procurandis Petrum de Luparia militem, filium suum, in partibus hiis dimictat. Nos dicti Nicolai considerantes voluntatem gratuitam et obsequium in hac parte, nec minus actendentes esse difficile filio si feudale servicium. Curie nostre debitum pro terra feudale, quam tenet in pignore pro parte uxoris sue, per eum ipsi Curie personaliter presteretur, concessimus eidem Petro de gratia quod predictum servicium pro predicta terra Curie nostre debitum non personaliter sed in

pecunia Curie prestet, quotiens feudale servicium Baronibus et feudatariis aliis regni nostri per eamdem Curiam indicetur. Quocirca volumus et fidelitati vestre presentium tenore precipimus quatenus quamdiu dictus Nicolaus in comitiva et servicium dicti Karoli in Regno Ungarie de beneplacito nostro morabitur presentem gratiam nostram dicto Petro eius filio observetis et faciatis per alios inviolabiliter observari. Datum Neapoli per Magistros Rationales etc. Die penultimo Maii, XIII indictionis.

No. 21.

1301 *23 June, Ind. XIV.* *Naples.*

Royal letter sent to the justiciar (of the Terra di Lavoro and Contado di Molise), informing him that in consideration of the death of Nicolas of Lupara while on royal service in Hungary, his son and sole heir Peter has received the permission of the *curia* to succeed to his father's fiefs without payment of the usual relief.

Reg. Ang. 1300 A, n. 106, f. 249; unpublished. Another copy with slight variants is found in the Reg. Ang. 1301 B, n. 107, f. 37.

Pro Petro de Luparia.

Scriptum est eidem iusticiario etc. Venit ad nostre maiestatis presenciam Petrus de Luparia miles et asserens quondam Nicolaum de Luparia militem, patrem suum, diebus proximis vitafuntum, cuius se dicit legitimum filium et heredem, nullis aliis legitimis filiis superstitibus ex eodem, assecurari se ab hominibus terre feudalis, vassallis suis, quam dictus quondam pater eius dum vixit inmediate et in capite a Curia nostra tenuit sicut dicit, et ipse se tenere et possidere ex paterna nunc ex successione pretendit iuxta regni consuetudinem suppliciter postulavit. Eius itaque in hac parte supplicatione admissa, quia de huiusmodi successione predicti Petri ac de fide ipsorum patris et filii Curie nostre constat per inquisitionem scilicet de mandato ipsius Curie inde factam, fecitque Petrus ipse in manibus nostris proinde iuxta usum et consuetudinem dicti Regni homagium ligium et fidelitatis debite prestitit iuramentum. Relevio per eumdem Petrum propterea nostre Curie debito sibi per eamdem Curiam relaxato de gratia, consideratione scilicet, quod dictus Nicolaus pater eius in nostris ac Karoli regis Ungarie carissimi nepotis nostri serviciis in ipsius regni Ungarie partibus extitit vitafuntus, fidelitati tue precipiendo mandamus quatenus, recepto prius pro nobis ab hominibus ipsius terre feudalis vassallis suis, quos in decreta tibi provincia ex eadem successione paterna iuste tenet et possidet, fidelitatis solito iuramento, eidem Petro vel suo procuratore pro eo facias a vassallis iuxta ipsius regni consuetudinem assecurationis debita sacramenta prestari ac de omnibus consuetis et debitis intendi ac etiam responderi fidelitate nostris iuribus nostre Curie et cuiuslibet alterius semper salvis. Datum Neapoli per B. de C. [Bartholomeum de Capua] die XXIII iunii, XIIII indictionis.

No. 22.

1308–1310

Record of the papal tenth paid by S. Maria della Strada amounting to 1 ounce.
Archivio Vaticano: Rationes Collectoriae Regni Neapolitani 1308–1310 (Collect. 161), f. 283.

Residua secunde decime in Provincia Beneventana. . . .
In diocesi. . . .
Monasterium Sancte Marie de Strata—unciam 1½.

No. 23.

1309 *12 March, Ind. VII.* *Naples.*

Royal letter patent notifying all men of the revocation of the sale of the 'castrum seu casale Matricii' (Matrice and S. Maria della Strada?) to William Alamagnus, knight and familiaris; this sale was made on erroneous information that Peter of Lupara, junior, was holding the castellum and the casale to the prejudice of the rights of the *curia*, and he is now reinstated in full possession and ownership.

Reg. Ang. 1308–1309 C, n. 178, f. 28 v°.; unpublished. Another copy of the letter is found in Reg. Ang. 1309 A, n. 184, f. 7, with the variants here noted below.

Pro [a] Petro de Luparia milite iuniore.

Carolus secundus etc. tenore presentium notum facimus universis quod dato pridem nobis intelligi, quod Petrus de Luparia miles iunior, fidelis noster, castrum seu casale Matricii, situm in Comitatu Molisii, tenebat in fraudem nostre Curie occupatum, nos omne ius et actionem, competentia nobis in illo, dedimus, donavimus et concessimus Guillelmo Alamagno milite,[b] familiari et fideli nostro, ac eius heredibus, ipsa transferentes in eum pro viginti annuis uncis, ducentis [c] (sic) de summa provisionis annue unciarum auri quadraginta dudum sibi facte per nos, que sibi assignari restabant in bonis fiscalibus regni nostri datis sibi exinde nostris patentibus licteris ad cautelam. Verum quia de ipsius Petri iure nostra est fidedignis assercionibus conscientia informata, nolentes cuiquam gratiam facere in iuris preiudicium alieni, donationem, dationem et concessionem dictorum iuris et actionis facte,[d] ut predicitur, Guillelmo prefato, revocantes penitus et iuribus vacuantes, nullum pretextu eorum dicto Petro de Luparia volumus in possessione ac proprietate castri seu casalis iamdicti preiudicium vel alicuius perturbationis prepedium generari.[e] In cuius rei testimonium et ipsius Petri cautelam presentes licteras fieri et pendenti maiestatis nostre sigillo iussimus communiri. Datum Neapoli per manus Bartholomei de Capua militis logothete et protonotarii regni Sicilie anno domini millesimo CCCVIIII die duodecimo martii septime indictionis regnorum nostrorum anno vicesimo quinto.[f]

No. 24.

1316 *15 April, Ind. XIV.* *Naples.*

Royal letter patent granting permission for the marriage arranged between Johannoctus, son of William Alamagnus knight, royal familiaris and magister hostiarius, and Clementia, daughter of Peter of Lupara, with a dowry of 300 gold ounces. In pledge for the restitution of the dowry in case either Johannoctus or Clementia should die without children, William gives the *castellum* of Rocca Petrella and the moiety of the *castellum* of Petrella held together with Ripa Limosano, reserving, however, the rights in the moiety of Petrella enjoyed by Beatrice de Barras, formerly wife of the late William, eldest son of William Alamagnus, and now wife of Nicolas of Lupara, brother of Clementia.

Reg. Ang. 1315 B, n. 205, f. 50; unpublished.

Pro Guillelmo Alamagno milite.

Robertus etc. Universis presentes licteras inspecturis tam presentibus quam futuris. Subiectorum nostrorum compendiis ex affectu benigne caritatis accedimus quo fit ut ipsorum petitionibus gratiosis assensum facilem benignius prebeamus. Sane Guillelmus Alamagnus miles, magister hostiarius, familiaris et fidelis noster, nobis noviter supplicavit, petens suppliciter et devote ut, cum de matrimonio contraendo inter Iohannoctum filium eius legitimum et naturalem, et Clementiam filiam legitimam et naturalem

[a] domino, Reg. Ang. 1309 A, n. 184, f. 7.
[b] militi
[c] deducendis
[d] factas
[e] gravari
[f] XV

Petri de Luparia militis fideles nostros cum dote pecuniaria unciarum auri trecentarum ponderis generalis, habitus sit tractatus velintque dicti Guillelmus et Johannoctus eius filius obligare predictis Petro eiusque filio nomine pignoris seu ypothece pro restituenda dote predicta, si casus restitutionis ipsius advenerit, sive per mortem ipsius Iohannocti sive per mortem dicte Clementie, filiis non superstitibus, ex eadem subscripta bona feudalia videlicet castrum suum seu Roccam Petrelle et medietatem suam integram pro diviso castri Petrelle sita in iusticiariatu Terre Laboris et comitatus Molisii cum hominibus vassallis iuribus et pertinenciis omnibus eorumdem, que simul et confuse cum Ripa de Limosano sita in eodem iusticiariatu idem Guillelmus pro annuo valore unciarum auri quadraginta et sub feudali servicio duorum scilicet militum, ut dicit, a Curia nostra tenet, reservato in predicta medietate castri Petrelle iure dodarii quod in ipsa medietate habet et habere debet Beatrix de Barracio, uxor quondam Guillelmi primogeniti dicti supplicantis, nunc uxor Nicolai de Luparia, cum certis aliis pactis, condicionibus et conventionibus inter partes ipsas propterea tractatis et habitis, licentiam obligandi seu ypothecandi, ut predicitur, eisdem pro causa iamdicta predictum castrum seu Roccam Petrelle et eamdem medietatem castri Petrelle sibi benigne concedere dignaremur. Nos igitur actentis ipsius Guillelmi laudabilibus meritis nec minus contemplacione dicti matrimonii pro quo huiusmodi ypothecatio postulatur eius supplicationibus inclinati prefatis Guillelmo eiusque filio quod ipsi huiusmodi bona feudalia que dictus Guillelmus a Curia nostra tenet, videlicet castrum suum seu Roccam Petrelle et predictam suam medietatem castri Petrelle cum hominibus vassallis iuribus et pertinenciis eorum omnibus, eisdem Petro et Clementie eius filie ypothecare et obligare legitime valeant pro restituenda dote predicta, in quolibet premissorum casuum restitutionis ipsius de certa nostra scientia et speciali gratia plenam petitam licentiam et potestatem liberam tenore presentium impartimur fidelitate nostra et predicto feudali servitio et maiori si maius pro predictis bonis feudalibus nostre Curie debeatur nostrisque aliis et cuiuslibet alterius iuribus semper salvis. In cuius rei testimonium presentes nostras licteras testimoniales sibi exinde fieri et pendenti sigillo maiestatis nostre iussimus communiri. Datum Neapoli per Bartholomeum de Capua militem, logothetam et prothonotarium regni Sicilie anno domini MCCCXVI, die XV aprilis, XIIII indictionis, regnorum nostrorum anno VII.

No. 25.

1325 *28 April, Ind. VIII.* *Naples.*

General inquest into the feudal service of the Kingdom in preparation for the military expedition to Sicily in 1325. Philip of Lupara makes the declaration for the fiefs held by himself and his wife, *i.e.* Colledanchise, a *feudum novum* held by himself, the moiety of Licinoso, *feudum novum*, and of Ponte Landolfo, *feudum antiquum*, and of Casandrino held by his wife. Further, he makes the declaration for the fiefs of his father Peter of Lupara, *i.e.* Campolieto, *feudum novum*; and Matrice with the casale of S. Maria della Strada, *feudum antiquum*. For this last he gives the names of the men who, together with himself, will perform the service due, and a precise description of their horses.

Fasc. Ang. 21 il 2, f. 111; unpublished. Another copy of the inquest is found in Fasc. 80 il 3, f. 146.

Eodem die (XVIIII mensis aprilis VIII indictionis) ibidem (Neapoli).

Philippus de Luparia iuratus ut supra dixit se tenere in Comitatu Molisii castrum Correctesii pro valore annuo unciarum septem et tarenorum quindecim et sub servitio proinde contingente de feudo novo. Item dixit se tenere pro parte uxoris sue, filie quondam domini Alexandri de Boyano medietatem castri Licinosi pro valore annuo

unciarum unciarum (sic) decem et sub servicio dimidii militis in feudum novum. Item dixit se tenere pro parte uxoris sue in iusticiariatu Principatus Ultra medietatem castri Pontis Landulfi de feudo antiquo sub adoha tarenorum quindecim et sub speciali servitio proinde contingente.

Item dixit se tenere pro parte dicte uxoris sue pro indiviso medietatem feudi Casandrini in dicto iusticiariatu Terre Laboris pro valore annuo unciarum duarum et tarenorum decem et sub servitio proinde contingente.

Quod servitium est unciarum viginti et tarenorum decem.

Preterea dominus Philippus presentatus pro parte domini Petri de Luparia patris sui dixit dictum patrem suum tenere in iusticiariatu predicto castrum Campileti pro valore annuo unciarum viginti et sub servitio unius militis de feudo novo.

Item castrum Matricis et Casalis sancte Marie de Strata in eodem iusticiariatu de feudo antiquo sub adoha uncie unius et sub servitio proinde contingente. Quod servicium est unce XXI in pecunia ac miles unus et servicium contingens pro uncia una.

Et ostendit tam pro se quam pro patre suo personam suam cum equo uno pili bay balsano pedibus posterioribus et destro anteriore marcato sic

Berardum de Amatricio cum equo uno pili morelli cum modicis pilis albis in fronte marcato sic

Et de gratia ab una uncia et tarenis decem ut supra de duobus serviciis militaribus et ostendit Nicolaum de Aczano cum equo uno pili morelli stellato in fronte et musello balsano pedibus posterioribus marcato sic

Thomasum de Amatricio cum equo uno pili bay marcato sic reservato Regie Curie ut supra. Et reservacione habita pro parte dicti Philippi in forma ut supra

No. 26.

1327 *16 March, Ind. X.* *Naples.*

Receipt issued to Peter of Lupara for the service of 2 gold ounces paid on his behalf by his son Philip: of this one ounce is due for 'castrum Matricii et casale Sancte Marie de Strata' held of the *curia in feudum antiquum*.

Reg. Ang. 1336 D, n. 310, f. 111 v°; unpublished.

Domino Petro de Luparia.

Die XVI eiusdem mensis (marcii) ibidem (Neapoli, X indictionis) recepte sunt a domino Petro de Luparia per manus Philippi filii sui pro castro Matricii et casali sancte Marie de Strata, que tenet ab ipsa curia in feudum antiquum in predicto iusticiariatu Terre Laboris et Comitatus Molisii, sicut dictus Philippus asseruit uncie 1. Et ultra ipsum servicium de grana alia unce 1 que sunt unce 2. Unce II.

No. 27.

1337 *22 May, Ind. V.* *Naples.*

Receipt issued to Peter of Lupara for the double adohamentum for the years 1333 and 1335 paid on his behalf by his son Philip to the amount of 4 ounces of silver carlenes for 'castro Matricii et casale S. Marie de Strata.'

Reg. Ang. 1336 A, n. 290, f. 263 v°; unpublished.

Domino Petro de Luparia.

Die vigesimo secundo eiusdem mensis maii ibidem (Neapoli, V indictionis) recepte sunt a domino Petro de Luparia per manus Philippi filii sui pro duplo adohamenti seu feudalis servicii predictorum annorum prime et tertie indictionis ad quod dicte Regie Curie tenetur pro castro Matricii et casali sancte Marie de Strata que dicitur tenere ab eadem Curia in feudem antiquum in predicto iusticiariatu Terre Laboris et Comitatus Molisii sub adoha unce unius sicut dictus filius eius asseruit in carolenis argenti uncie quatuor. Unce quatuor.

No. 28.

1341 *5 December, Ind. X.* *Naples.*

Receipt issued to Thomas of Lupara, son of Joanna and grandson of Nicolas of Lupara, and to Margaret and Joanna, daughters of Philip and grand-daughters of Peter of Lupara 'longobardo iure viventibus,' for the relief of 9 ounces of silver carlenes paid for 'castrum Matricii et casale Sancte Marie de Strata,' the right of succession of the co-heirs having been established in a special inquest ordered by the *curia*.

Reg. Ang. 1328 D, n. 269, f. 65; unpublished.

Die V mensis decembris X indictionis Neapoli; recepte sunt a Thomasio de Luparia filio Johanne de Luparia,[192] nepote ex quondam Nicolao de Luparia, ac Margarita et Johanna neptibus ex quondam Philippo de Luparia ac heredibus et successoribus legitimis quondam domini Petri de Luparia, longobardo iure viventibus, debite per eos eidem Curie pro relevio castri Matricii et casalis sancte Marie de Strata, que dictus quondam dominus Petrus, pater et avus eorum, in Comitatu Molisii de antiquo feudo sub servicio seu adoha uncie unius in mediate et in capite a regia Curia donec vixit, iuste et rationaliter tenuit et possedit, ipsique Thomasius filius Johanne, nepos, ac Margarita et Johanna neptes ipsius quondam domini Petri ex paterna et avita successione possident atque tenent sicut per inquisicionem factam exinde de mandato regie Curie, ipsi Curie dicitur plene constare, in carolenis argenti unce novem—unce VIIII.

No. 29.

1342 *24 January, Ind. X.* *Naples.*

Receipt issued to Thomas of Lupara, son of Joanna and grandson of Nicolas, and to Margaret and Joanna daughters of Philip and grand-daughters of Peter of Lupara for the double adohamentum for the years 1340 and 1341 paid by them to the amount of 4 ounces of silver carlenes 'pro castro Matricii et casali Sancte Marie de Strata.'

Reg. Ang. 1328 D, n. 269, f. 50; unpublished.

Thomasio de Luparia.

Die XXIIII predicti mensis januarii ibidem (Neapoli, X indictionis) recepte sunt a Thomasio de Luparia, filio Johanne de Luparia, nepote ex quondam Nicolao de Luparia, ac Margarita et Johanna neptibus ex quondam Philippo de Luparia ac heredibus quondam Petri de Luparia pro duplo adohamenti seu feudalis servicii annorum VIII et VIIII indictionis proximo preteritarum ad quod Regie Curie tenebatur pro castro Matricii et casali sancte Marie de Strata que dicuntur tenere ab ipsa Curia in feudum antiquum in iusticiariatu Terre Laboris et Comitatus Molisii sub servicio seu adoha uncie unius sicut notarius Martucius de Maioro asseruit in carolenis argenti uncie quatuor—unce IIII.

[192] See *ante* p. 48, n. 92.

THE HISTORY OF THE EXTORTION COURT AT ROME, 123–70 B.C.

I. Nature of the Problem.
II. Character of the Evidence.
III. Mixed Courts.
IV. Acilius, Caepio and Glaucia.
V. The Chronology of Acilius, Caepio and Glaucia.
VI. Is the *lex repetundarum* of the Naples tablets part of the Gracchan legislation, or is it the *lex Servilia* of Glaucia?
VII. The *lex Acilia* in the light of *Verr.* II, i, 26 and the Verrine scholia.
VIII. Conclusion.

I. Nature of the Problem [1]

The available evidence concerning the history of the Extortion Court, the *quaestio repetundarum*, at Rome is tabulated opposite page 114.[2] In view of the bulk of this evidence, it is at first sight surprising that this should be one of the most confused chapters of Roman history. Indeed, it is improbable that all Roman historians would agree upon any more precise statement of certainty than the following: that C. Gracchus, whether by a *lex Sempronia iudiciaria*, or by a *lex Sempronia de repetundis*, or by a *lex Acilia de repetundis* which may, or may not, be reproduced in the *lex repetundarum*, fragments of which are preserved at Naples and at Vienna (*CIL* i^2, 583), established *equites* (selected either from owners and past owners, within certain age limits, of the *equus publicus*, or from all those who possessed the equestrian *census*) *either* in place of, *or* in association with, senators as jurors in the *quaestio de repetundis*; that Q. Servilius Caepio, probably in his consulship in 106 B.C., proposed, and perhaps carried, a judiciary law in the interest of the Senate; that C. Servilius Glaucia either in 111 (Mommsen [3]), 108 (Carcopino [4]), 104 (Last [5]) or 101 B.C. (Niccolini [6]) carried a *lex repetundarum*

[1] The clearest and fullest history of the court is to be found in Th. Mommsen, 'Lex Repetundarum,' *Ges. Schr.*, i, 1–64 and 'Über die leges iudiciariae des vii Jahrhunderts bis zur lex Aurelia,' *Ges. Schr.* iii, 339–355; A. H. J. Greenidge, *The Legal Procedure of Cicero's Time* (Oxford, 1901), 433–504; J. L. Strachan-Davidson, *Problems of the Roman Criminal Law* (Oxford, 1912), ii, 75–152. This paper is written with the object of examining the theory put forward by J. Carcopino in Bloch-Carcopino, *Histoire Romaine* (Paris, 1935) 248–251, 311 f., 317 and, in greater detail, in his book *Autour des Gracques* (Paris, 1928), especially on pp. 205–235. In case my criticisms of this theory should convey an impression of ungraciousness, I must state that no book on ancient history has ever stimulated or excited me more than *Autour des Gracques*.

[2] Where detailed references are not given in the text or notes of this paper, they can easily be discovered by reference to this table. Asconius throughout is cited by the pages of A. C. Clark's edition (Oxford, 1907) and other Ciceronian scholiasts by the pages of the edition of Th. Stangl (Leipzig, 1912).

[3] *Ges. Schr.* i, 18 f.

[4] *Autour des Gracques*, 230.

[5] Professor H. M. Last in *CAH* ix, 162 f.

[6] G. Niccolini, *I fasti dei tribuni della plebe* (Milan, 1934), 195 ff.

and perhaps other judiciary laws in which he *possibly* either gave for the first time, or restored, to the *equites* complete possession of the juries and *certainly* effected two reforms in procedure, (*a*) by legalising the prosecution not only of recent magistrates and pro-magistrates, but also of their accomplices and (*b*) by introducing the form of 'double action' known as *comperendinatio*;[7] that M. Livius Drusus, as tribune in 91 B.C., endeavoured unsuccessfully to establish, or to re-establish, as the case may be, mixed juries of senators and *equites*, and to make equestrian as well as senatorial jurors liable to prosecution for accepting bribes; that in 89 B.C. by a *lex Plautia* of the tribune M. Plautius Silvanus mixed juries were established, certainly for trials of *maiestas*, and perhaps for *repetundae* too. After this, the way is clearer. Sulla re-established senatorial juries, which survived until 70 B.C., when, by the *lex Aurelia*, jurors were selected from three panels—from senators, *equites* and *tribuni aerarii*.

Mommsen[8] held that C. Gracchus handed over the courts, lock, stock and barrel, to the *equites*; that the law by which this change was accomplished was sponsored not by Gracchus himself, but by a fellow-tribune, M'. Acilius Glabrio; and that this is the law of which fragments survive on the Naples tablets.

Carcopino[9] has revived the theory that C. Gracchus established *mixed* juries of senators and *equites*, and that it was Glaucia who first recruited jurors exclusively from the *equites*. Glaucia's law, the *lex Servilia repetundarum*, is, on this view, the extant law of the Naples tablets. Flaws in Carcopino's argument have already been indicated by others,[10] but, none the less, it has found favour in certain quarters. E. Cavaignac, for instance, writes of the Naples law as 'la loi *repetundarum* maintenant fixée (*sic*) en 108.'[11]

This paper is written with the object of examining closely the evidence concerning Acilius, Caepio and Glaucia, who are the three 'mystery figures' in the history of the extortion court, in the belief that Carcopino's theory is untenable and that the Naples law is still firmly fixed where Mommsen placed it, as the *lex Acilia*, part, and a leading part, of the legislation of C. Sempronius Gracchus.

II. Character of the Evidence

Though the evidence concerning the courts in this period may be large in bulk, in character it has no more homogeneity than the contents of a magpie's nest. Cicero could have given us all the information that we need; but, un-

[7] Or *comperendinatus*, *Verr.* ii, 1, 26.
[8] *Ges. Schr.* i, 20 ff
[9] *Autour des Gracques*, 205 ff.
[10] E.g. by H. M. Last in *JRS* xviii, 1928, 231 f.
[11] *Revue de philologie*, 1934, p. 73.

fortunately, he has not done so. Livy, too, probably gave this information in the missing books of his *History*; but Livy's evidence survives only in disparate fragments and at second hand, in the *Periochae* or in later writers most of whom consulted, not Livy's complete History, but some, though not necessarily the same, epitome of that History.[12]

We possess three narrative histories which cover the whole of this period, supplied respectively by Livy's epitomator, by Velleius Paterculus and by Appian in Book i of the *Civil Wars*. The only legislators in the field of judiciary legislation of whom any of them know are, in this period, C. Gracchus, Livius Drusus, Sulla and L. Aurelius Cotta. That C. Gracchus handed the courts over to the *equites* is stated by Velleius Paterculus[13] and by Appian; the epitomator, who says nothing about the courts, declares—what may or may not be relevant—that C. Gracchus drafted 600 *equites* into the Senate. The laws of Acilius, Caepio and Glaucia are ignored by all three writers. Of Livius Drusus, Velleius says that he wished to restore the courts to the Senate, Appian that he wished to draft 300 *equites* into the Senate and to hand the courts over to a Senate thus enlarged, the epitomator that he actually carried—*pertulit*—a law establishing mixed juries, and he says nothing of its repeal. The restoration of the courts to the Senate by Sulla is recorded by Velleius Paterculus, but ignored by the other two writers. Not one of the three gives us the truth about the *Lex Aurelia* of 70 B.C., of which we have certain knowledge from Cicero and his scholiasts. Appian ignores the law completely; Livy's epitomator misunderstands it—he says that the courts were handed over to the *equites*—and Velleius Paterculus, mentioning mixed juries, but ignoring the *tribuni aerarii*, alone comes within striking distance of the truth.

In the case of the legislation, proposed or carried, by Livius Drusus, Sulla and L. Aurelius Cotta, we are on the fringe of the Ciceronian period,[14] and Cicero and his scholiasts enable us, in this small part of the field, to apply a valid test of accuracy. Velleius Paterculus alone emerges from the test with credit.[15] Appian is only $33\frac{1}{3}$ per cent. accurate and, for the rest, if not ignorant, at least not explicit. The epitomator of Livy cuts the poorest figure of all. Unlike the other two, he does not even achieve a $33\frac{1}{3}$ percentage of accuracy; he is careless, or misinformed. This fact might well be borne in mind by those who place unquestioning faith in his account of the drafting of 600 *equites* into the Senate by C. Gracchus.[16]

[12] See p. 104, n. 29 below.

[13] See p. 98, n. 2 above.

[14] See Strachan-Davidson, *op. cit.* ii, 77 f., for some very trenchant observations on the comparative value of Cicero and our other authorities.

[15] Strachan-Davidson, *loc. cit.*, on Livius Drusus, 'My own opinion is that Appian does not on this occasion win the crown promised to the one-eyed in the country of the blind, but that it must fall to Velleius.'

[16] *E.g.* W. Judeich, *Hist. Zeitschr.*, 3te. Folge, xv, 1913, 491 ff.; E. von Stern, *Hermes* lvi, 1921, 281 ff.

III. Mixed Courts

Cicero has bequeathed to us one remark which covers the period from C. Gracchus to Sulla. He states in the *Verrines*[17] that the *equites* sat on the jury 'annos prope quinquaginta continuos.' He does not state that they sat *alone* on juries during these fifty (or, to be strictly accurate, just over forty[18]) years, and his remark,[19] while it excludes a complete interruption of equestrian tenure of jury service during this period, is not incompatible with the existence, within this period, of mixed senatorial and equestrian juries. Nor does Cicero's remark in the *Pro Cornelio*, 'cum primum senatores cum equitibus Romanis lege Plotia iudicarent,' necessarily suggest that, in Cicero's opinion, mixed juries had never existed before 89 B.C. *Cum primum* might mean 'when for the first time in history'; on the other hand, it is far more likely to mean no more than *simulac*, 'as soon as the lex Plautia established mixed juries.'[20] It is therefore to be remarked that Cicero nowhere firmly denies the creation—and subsequent abolition—of mixed juries before 89 B.C.

The 'mixing' of senators and *equites* could be effected in either of two different ways, between which the historian must make a careful distinction. On the one hand (*a*) fresh blood, in the form of *equites*, might be infused into the body of the Senate and the courts be held by the Senate thus re-constituted. In this case, though the personnel of the Senate was enlarged, the courts were, technically, in the hands of senators. On the other hand, (*b*), the *album iudicum*, the list of qualified jurors, might consist, half and half, or in some other proportion, of senators and *equites*. In this latter case juries would be 'mixed' in the proper sense of that term.

The frequency with which, according to one or other of our authorities, these changes were proposed or effected in our period is little short of startling. The evidence can best be presented in tabulation:

(*a*) Admission of *equites* to the Senate.

1. Gaius Gracchus (Livy, *Per.*).
2. Proposed, but not achieved, by Livius Drusus (Appian).
3. Sulla (Livy, *Per.* 89, Appian, B.C. I, 100, 4, 468. Cf. Dionys. v, 77, 5 and Sallust, *Cat.* 37, 6).

(*b*) Constitution of Mixed Juries.

1. Tiberius Gracchus (Plutarch).
2. Gaius Gracchus (Plutarch).
3. Q. Servilius Caepio (Cassiodorus and Obsequens).
4. Proposed, but not achieved, by Livius Drusus (Livy, *Per.*; *De viris illustribus*?)
5. Lex Plautia of 89 B.C. (Cicero)
6. Lex Aurelia of 70 B.C. (Asconius, *In Pisonianam.*)

[17] I, 38.

[18] There is some indication of an alternative figure in the MSS. of *Verr.* I, 38, but pseudo-Asconius *ad loc.*, p. 218, confirms 'quinquaginta.' He himself elsewhere, *ad Div.* 8, pp. 188 f., gives forty years for the length of this period.

[19] And, incidentally, the comments of pseudo-Asconius to which reference was made in the previous note.

[20] See R. Kühner, *Grammatik der lateinischen Sprache*[2] (Hanover, 1914), II, ii, 352 ff. For this reference, and for valuable assistance on this matter, I am indebted to my colleague, Mr. E. A. Barber. I am surprised to find that this point does not appear to have attracted the attention of previous historians. Nearly all historians (*e.g.* Mommsen, *Ges. Schr.* iii, 342) treat Cicero's remark as firm evidence that mixed courts cannot have existed, in Cicero's opinion, before 89 B.C., though Professor H. M. Last states (*CAH* ix, 162, n. 3) that 'he does not share the prevailing confidence with which conclusions are drawn from this passage.'

IV. Acilius, Caepio and Glaucia

Except for the mention, by Valerius Maximus, of a man under trial 'lege Servilia,' the laws of Acilius and Glaucia are recorded by no ancient authority whatever, apart from Cicero and his scholiasts. Caepio's 'law' is mentioned by Cicero—with one exception, in his oratorical works, and always in works on which there are no scholia—and also, in puzzling, indeed contradictory, language by Tacitus, Obsequens and Cassiodorus. As Acilius, Caepio and Glaucia are the three 'mystery figures' of the period, the evidence concerning their laws calls for careful examination.

M'. Acilius Glabrio, author of the *lex Acilia*, which he carried, presumably, during his tribunate, was father of the *praetor repetundarum* who presided at Verres' trial in 70 B.C. His tribunate, therefore, for whose date no other certain evidence exists, may well have been roughly, even exactly, contemporary with that of C. Gracchus.[21] Cicero refers twice in the *Verrines* to this law, on both occasions, as was to be expected, in complimentary terms. In *Verr.* I, 51 he states, 'Qua lege populus Romanus de pecuniis repetundis optimis iudiciis severissimisque iudicibus usus est,' which Mommsen takes to refer to the first introduction of equestrian jurors in 123 or 122 B.C., and pseudo-Asconius makes the comment, 'M'. Acilius Glabrio legem Aciliam tulit de pecuniis repetundis severissimam'—it is not hard to trace the origin of that epithet[22]—'ut qua ne comperendinari quidem liceret reum.' In the last part of this sentence pseudo-Asconius appears to have made a definite contribution to our knowledge. The appearance is deceptive, for the information is derived from the second passage (*Verr.* ii, 1, 26), in which Cicero refers to the law: 'Verum, ut opinor, Glaucia primus tulit ut comperendinaretur reus; antea vel iudicari primo poterat vel amplius pronuntiari. Utram, igitur, putas legem molliorem? Opinor, illam veterem. . . . Ego tibi illam Aciliam legem restituo. . . . Puta te non hac tam atroci, sed illa lege mitissima causam dicere.' This language is hard enough to reconcile with a *lex* which is *severissima* in any other sense than that accepted by Mommsen, that it introduced *severissimi iudices*. In his commentary on this second passage pseudo-Asconius states of the *lex Acilia*, 'Quae lex neque comperendinationem ⟨*neque*⟩ ampliationem habet.'[23] The accuracy of this comment may be considered later.[24]

[21] Mommsen, *Ges. Schr.* i, 18. An inscription (*I.G.R.R.* iv, 1028), which proves the existence, earlier than 105 B.C., of a Lex Rubria Acilia, suggests that Acilius' tribunate may have been exactly contemporary with one of the tribunates of C. Gracchus. See H. M. Last in *CAH* ix, 892.

[22] I cannot see why the fact that the first part of this statement 'répond quasi littéralement' to the sentence in the *Verrines* on which it is a comment is thought by Carcopino (*op. cit.*, 215) to increase its value. Carcopino's translation, 'une loi dite Acilia, qui est la plus sévère de celles dont les crimes de concussion aient été l'objet,' would, I suspect, have given pseudo-Asconius something of a shock.

[23] p. 231.

[24] See p. 113, below.

Next, Caepio and Glaucia. Both, unfortunately, possessed the *nomen* Servilius. The laws of both, therefore, were *leges Serviliae*. When Tacitus writes, however,[25] 'Cum . . . Serviliae leges senatui iudicia redderent,' the *leges Serviliae* to which he refers are certainly the law, or laws, of Caepio. Caepio was, like the Livii Drusi, father and son, 'patronus senatus';[26] Glaucia was notoriously its enemy. Tacitus declares then, that, thanks to Caepio, the Senate recovered the exclusive right of filling the jury, which it had lost earlier to Gracchus. If this was in Caepio's consulship, it was in 106 B.C.[27]

A record, not that Caepio restored jury service to senators, but that, in his consulship in 106 B.C., he established *mixed* juries of senators and *equites*, is preserved, and preserved very strangely. Cassiodorus, in his *Chronicon*, records, of this year, 'Per Servilium Caepionem consulem iudicia equitibus et senatoribus communicata,' and Obsequens, 'Per Caepionem consulem senatorum et equitum iudicia communicata. Cetera in pace fuerunt.' Nowhere do the uncomely parts of ancient historiography show greater comeliness. Cassiodorus, writing in A.D. 519, rarely interrupts his list of consuls to insert any historical happening. Indeed, between 133 and 70 B.C. he records only six historical facts: the founding of Aquae Sextiae (as happening in 122 B.C.), the removal of actors from Rome by the censors of 115 B.C., Caepio's law in 106 B.C., Ptolemy, 'king of Egypt's' bequest to Rome in 96 B.C. (a mistake, which Obsequens makes also, for Ptolemy Apion's bequest to Rome in this year), Sulla's division of Asia into forty-four 'regiones' in 84 B.C., and the burning of the Capitol in 83 B.C. Why these six facts, and these only, should have seemed to him worthy of record, it passes the wit of man to imagine; but as, of the five other facts, four are reasonably accurate and one right except for the confusion of Egypt and Cyrene, the statement about Caepio does not seem likely to be seriously wrong.

Obsequens, whose date is uncertain—some have thought him as early as Hadrian, others as late as Honorius—composed, as a devotee of Roman paganism in its later days, a list of recorded prodigies in Roman history, from the year 249 B.C. onwards. To these he appended, from time to time, facts of historical importance, as he thought, directly related to them, for instance disasters following on the appearance of prodigies. From 133 to 70 B.C. he mentions a limited number of episodes in the domestic history of Rome, the death of Tiberius Gracchus in 133 B.C., 'dissensio' concerned with M. Fulvius Flaccus the triumvir in 129 B.C. (the passage is corrupt), 'tumultus

[25] *Ann.* xii, 60, 4.

[26] Valerius Maximus vi, 9, 13.

[27] Strachan-Davidson, *op. cit.* ii, 80 n. 2, thinks it likely to belong, not to Caepio's consulship, but to 111 B.C., repeating Mommsen's error of thinking that the Naples law must have been repealed in that year. See, on this, p. 114, below. Strachan-Davidson does not attach sufficient importance to the question of the origin of the information possessed by Cassiodorus and by Obsequens, whom he summarily dismisses as 'late chroniclers.'

in urbe, Graccho leges ferente' in 123 B.C., the death of C. Gracchus in 121 B.C., the scandal of the *equites* and the Vestal Virgins in 114 B.C., Caepio's law in 106 B.C., the banishment of a slave of Q. Servilius Caepio in 101 B.C. and the attempt of Livius Drusus to legislate in 91 B.C. Here again, though the choice of subjects is *macabre*, the general standard of accuracy, where it can be tested, is high and there is an *a priori* probability that the statement about Caepio is correct. The significant addition of the words 'cetera in pace fuerunt' to the notice about Caepio's law indicates that something of a *tumultus* attended its passing. Hence Obsequens' interest in Caepio and his law.

Both Cassiodorus and Obsequens derive their knowledge of Roman history of this period, wholly or in part, from an epitome of Livy. That there were other *epitomae* of Livy as well as the familiar extant *Periochae* was conjectured by Niebuhr, and has since been demonstrated by the discovery at Oxyrhynchus of the fragments of a previously unknown *epitome* of Livy for the years 190–179 and 148–137 B.C.[28]

Now, these *epitomae* have as their basis, in all probability, a table of contents—'eine Inhaltsangabe'—of the books of Livy. To this skeleton of facts was added, from time to time, material whether culled from the full text of Livy or from some other source. This is established clearly by A. Klotz, in his examination of the subject.[29] Now, in the case of Obsequens, it is not conceivable that any table of contents, or indeed any 'potted Livy,' should have reproduced in detail anything of such small historical importance as the list of prodigies given regularly by Livy;[30] yet Obsequens repeats them, as we can see from the period in which we can check his account against Livy's, almost *totidem verbis*. It is clear, therefore, that Obsequens, or his source, had combed the *full* text of Livy for prodigies—not in itself a very difficult operation, since they occur regularly in connexion with the assumption of office by magistrates at the beginning of each year—and had probably used this in combination with a skeleton table of contents of the whole work, a skeleton table which looks very much as if it were the same as that used by Cassiodorus.

The discovery of the Oxyrhynchus *epitome* has already damaged a little the credit of the compiler of the familiar *Periochae* of Livy; though his account is longer, it lacks the chronological precision of the Oxyrhynchus account, and is less informative on matters of domestic history.[31] We have already seen the

[28] *P. Oxy.* iv, 668.

[29] A. Klotz, 'Die Epitoma des Livius,' *Hermes* xlviii, 1913, 542–557; 'Zu den Periochae des Livius,' *Philologus* xci, 1936, 67–88. *Cf.* Th. Mommsen, 'Die Chronik des Cassiodorus Senator vom J. 519 n. Chr.,' *Abh. d.k. Sachs. Ges.*, phil.-hist. Kl., iii, 1861, 547–697, esp. 551–558.

[30] A. Klotz, *Philologus* xci, 74, 'Denn es ist unmöglich dass irgendein Auszug aus Livius den Text der Prodigia, falls sie überhaupt im einzelnen aufgenommen wurden, so wenig verkürzt haben sollte, wie dies bei Obsequens der Fall ist.'

[31] See A. Klotz, *loc. cit.*, and B. P. Grenfell and A. S. Hunt, *P. Oxy*, iv, pp. 92 f. A comparison of the surviving books of Livy with their *Periochae* makes evident the haphazard and careless manner in which the author of the *Periochae* produced his work.

weakness of its description of the *repetundae* courts from 91 to 70 B.C. Its author, or his source, was in fact negligent and but slightly interested in domestic legislation. The *argumentum ex silentio* is always a dangerous one. In the case of the *Periochae* of Livy and in face of the conflicting evidence of Obsequens and Cassiodorus it is not merely dangerous; it is illegitimate.

In face of the evidence, therefore, it is extremely difficult to avoid the belief that Livy recorded, as passed in the year 106 B.C., a law by which jury service in the *quaestio repetundarum* was shared between senators and *equites*. And, as between Livy's statement and the statement of Tacitus that the courts were restored exclusively to senators, Livy is to be followed.[32] Appian asserts that in 91 B.C. Livius Drusus regarded the restoration of the courts to the Senate as an object impossible of achievement, and proposed the establishment of mixed courts only as an ingenious *pis-aller* (τεχνάζων. . . ὧδε[33]). *A fortiori*, in 106 B.C. the transfer of the courts to the Senate would have been out of the question. With Marius in Africa, the stock of the Populares stood high—so high, indeed, that in the election to the consulship for 105 B.C. Q. Catulus, whose personality and prestige tempted his supporters to regard him as a safe candidate, was defeated by the outsider, Cn. Mallius.[34] In these circumstances the passing of Caepio's bill was in itself a triumph. Its success was largely due to the speech delivered in its favour by the thirty-four-year-old P. Licinius Crassus, the future consul of 95 B.C. Cicero's numerous references to Caepio's law are concerned, with two exceptions,[35] with this speech of Crassus, a great panegyric of the Senate, and, quite evidently, a *tour de force*. The young Cicero regarded it as a model speech.[36] Indeed, we possess a small fragment of the speech itself, 'Eripite nos ex miseriis, eripite ex faucibus eorum, quorum crudelitas nisi nostro sanguine non potest expleri; nolite sinere nos cuiquam servire, nisi vobis universis, quibus et possumus et debemus,' a passage which M. Antonius admired, but which P. Rutilius Rufus thought, 'non modo parum commode, sed etiam turpiter et flagitiose dicta.'[37]

Apart from a reference to the *Servilia lex* by Valerius Maximus,[38] our knowledge of Glaucia's law is derived entirely from Cicero and his scholiasts. From this evidence it is clear that Glaucia was the originator of the system of *comperendinatio*, that is, the division of a trial into two parts, separated by an

[32] Mommsen, misled, as I have endeavoured to show (p. 101, n. 20 above) by Cicero, *Pro Cornelio*, quoted by Asconius, p. 79, finds the truth in a combination of Tacitus' account and that of Cassiodorus and Obsequens. He writes (*Ges. Schr.* iii, 342), 'Livius hebt auch hier wieder mehr das Princip hervor, während Tacitus sich streng an den Wortinhalt hält—jene Angabe ist eine historische, diese eine antiquarische.'

[33] *BC* i, 35, 3, 157.

[34] Cicero, *Pro Plancio* 12, *Pro Murena* 36.

[35] *De Invent.* i, 92, *De Oratore* ii, 199 f.

[36] *Brutus* 164, 'Mihi quidem a pueritia quasi magistra fuit.'

[37] *De Oratore* i, 225 ff. G. L. Hendrickson has argued (*CP* xxviii, 1933, 158) that the words 'parum commode' mean 'unsuccessfully,' and that this should be treated as evidence that the law was not passed; but his argument is clearly not valid.

[38] viii, 1, 8.

interval, in each of which parts both counsel spoke—prosecution first, defence second—and witnesses were heard.[39] This system was confirmed by Sulla, and so determined procedure in 70 B.C., when Cicero prosecuted Verres. It applied to the *quaestio repetundarum*; and there is no evidence to show whether it applied to any other court.[40] Glaucia's law allowed prosecution of accessories to the crime, as well as of the main culprit himself.[41] The law was still valid in 91 B.C.[42] The jurors by this law were *equites*[43] and, just as Caepio was 'patronus senatus,' so Glaucia 'equestrem ordinem beneficio legis devinxerat.'[44]

Nowhere are we told that Glaucia established equestrian juries. If, as Carcopino maintains, Glaucia established exclusive equestrian juries for the first time in Roman history, this silence of our authorities must appear very surprising indeed.

V. The Chronology of Acilius, Caepio and Glaucia

Caepio's law, as we have seen, was a consular law, and Caepio was consul in 106 B.C. That is our only certain date. The laws of Acilius and Glaucia were certainly tribunician, and from the evidence of *Verr.* ii, 1, 26, where the *lex Acilia* is described, in relation to Glaucia's law, as 'illa vetus lex,' it is certain that Acilius was earlier than Glaucia. Caepio, then, can be dated absolutely, Acilius and Glaucia only relatively to each other.

Now, on one point Mommsen and Carcopino are in agreement: both place Acilius' *and* Glaucia's laws *before* the *lex Servilia* of Caepio. Both date Acilius to 123 or 122 B.C.; Mommsen places Glaucia's tribunate in 111 B.C., Carcopino in 108 B.C.[45] In both cases the dating is dependent on an interpretation of the Naples laws. Of the two laws on the Naples tablets, the *lex agraria* can be dated with certainty to 111 B.C. Mommsen, considering the *lex repetundarum* on the reverse of the tablet to be the earlier of the two laws, argued that, since it could be turned to the wall after 111 B.C., it had been repealed not merely *by*, but *in*, 111 B.C., and therefore dated Glaucia's law to this year. Carcopino, on the other hand, claiming that the *lex agraria* was the earlier of the two laws on the tablet, that this was the *second* of the agrarian laws mentioned by Appian in B.C. 1, 27, 2, 122, and that it was rescinded by the '*lex Mamilia Roscia Peducaea Alliena Fabia* of 109 B.C.',[46] considered that it was the *agrarian* law whose face was turned to the wall in 109 B.C., and that the later *lex repetundarum* was in-

[39] See p. 113, n. 62, below.
[40] *Verr.* II, i, 26; Greenidge *op. cit.*, p. 501.
[41] *Pro Rab. Post.* 8 f.
[42] Asconius *in Scaurianam*, p. 21.
[43] Cicero, *Pro Scauro* i, 2.
[44] *Brutus* 224.
[45] See p. 98, notes 3 and 4.
[46] The view of E. Fabricius (*Heidelberger Sitzungsberichte*, phil.-hist. Kl. xv, 1924–5, part i) which cannot, surely, survive the criticisms of E. G. Hardy (*CQ* 1925, 185 ff.).

scribed, and therefore passed, by Glaucia in the following year, 108 B.C. This is, in both cases, an extremely fragile process of reasoning. The tablet may, after all, have lain idle for five, ten, indeed for any number of years, before some economical person decided to use the other side and so to avoid the expense of procuring a new sheet of bronze.[47]

To both Mommsen's and Carcopino's dating of Glaucia's tribunate the gravest *a priori* difficulties suggest themselves. On Mommsen's theory the *equites* possessed exclusive rights to jury service by the *lex Acilia* from the time of C. Gracchus. What, then, can Glaucia have added to their privilege which justified Cicero's strong language, 'equestrem ordinem beneficio legis devinxerat'? This difficulty does not arise in the case of Carcopino's theory, because he thinks that the *equites*, who received only two thirds of the places on juries from Gracchus, gained exclusive possession of the courts for the first time from Glaucia. But of both Mommsen and Carcopino it may be asked, Who rescinded the legislation of Caepio? The *equites*, without question, were in undisturbed possession of the courts in 91 B.C., and they held this control 'lege Servilia.'[48] It is a feeble and unconvincing escape from a difficult dilemma to suggest, as historians who follow Mommsen or Carcopino must suggest, that Caepio's law, if it was ever passed at all, was revoked, and Glaucia's law revived, by some unknown act of legislation soon after 106 B.C. Why, in that case, did the 'unknown legislator' not give his own name to his law? Why in 91 B.C. was this law still the *lex Servilia*?

A priori everything points to Glaucia following Caepio and by his legislation annulling the legislation of Caepio. And there is evidence to support this conjecture. The only way of making sense out of the confused and erroneous sentence in Appian B.C. 1, 28, 3, 127 is by assuming that Glaucia was tribune in the year preceding the first or the second tribunate of Saturninus—that is, in 104 or 101 B.C. Niccolini prefers the date 101, Last the date 104 B.C.[49]

Tacitus might, with hesitation, be employed to support a date for Glaucia's tribunate later than the consulship of Caepio. After stating in *Ann.* xii, 60, 4 that Caepio handed the courts over to the Senate, he continues, 'Mariusque et Sulla olim de eo (*sc.* the question of the constitution of the juries) vel praecipue bellarent,' an odd, and, as far as Marius is concerned, an unconfirmed assertion. Now elsewhere (*Ann.* xi, 22, 9) Tacitus states that Sulla 'senatui . . . iudicia tradiderat.' The two passages can only be reconciled by the hypothesis that, in Tacitus' opinion, Marius had restored to the *equites* the control of the courts which they had lost to Caepio. Glaucia having been a

[47] See further, on this point, p. 114, below.
[48] Asconius *in Scaurianam*, p. 21.
[49] See p. 98, notes 5 and 6.

popularis and an associate of Marius, it may have been of Glaucia's legislation that, admittedly in a very confused manner, Tacitus was thinking.

VI. Is the 'Lex repetundarum' of the Naples Tablets Part of the Gracchan Legislation, or is it the 'Lex Servilia' of Glaucia?

Carcopino has revived the theory that the Naples law is the *lex Servilia* of Glaucia. Serious objections to this theory have been noticed elsewhere,[50] and the present discussion will concern only one part, but that a fundamental part, of Carcopino's argument. This concerns *comperendinatio*. Cicero states in *Verr.* ii, 1, 26, 'Glaucia primus tulit ut comperendinaretur reus,' and there is no valid reason for disputing the truth of his statement. Carcopino claims that the process of *comperendinatio* is defined among the regulations for procedure in the Naples law (lines 46 ff.). If he is right, then the Naples law cannot be earlier than the law of Glaucia; it cannot be the *lex Acilia*.

Comperendinatio, at least by the time of the *Verrines*, was a compulsory division of a case into two parts, known as the *actio prima* and *actio secunda* (or *altera*).[51] The moment at which the praetor called upon the jurors to vote (*mittit in consilium*) was at the end of the second *actio*.

Side by side with *comperendinatio*, we have to consider *ampliatio*. This was an adjournment for fresh hearing in cases where more than a certain proportion of the jury—by the Naples law, more than a third—were not prepared to vote Guilty or Not Guilty (*Condemno* or *Absolvo*), but voted instead Not Proven (*Non Liquet*). Now, by the Naples law the number of times that jurors could follow this craven path with impunity was restricted, on Mommsen's restoration of lines 46 ff., to twice, on Carcopino's—equally plausible—restoration, to once. After this, on all subsequent occasions when more than a third of the jury voted N.L., each offender was to be fined HS 10,000. Here, Carcopino thinks, was *comperendinatio* in embryo.

To illustrate that this single *ampliatio* was the first embryo and beginning of the system of *comperendinatio*, he points to Cicero's procedure against Verres, as described in the all-important passage, *Verr.* ii, 1, 26. Cicero 'destroyed the force of' the *comperendinatio*—'adimo enim comperendinatum'—*i.e.* he reduced the hearing from two *actiones* to one *actio*. In this, Cicero says, he reverts to practice in the days of the *lex Acilia*—'ego tibi illam legem Aciliam restituo.' The *lex Acilia*, according to the scholiast, whom Carcopino believes to speak truth,[52] 'neque comperendinationem ⟨*neque* ampliationem habet.' And so

[50] See p. 99, note 10.

[51] Pseudo-Asconius ad *Verr.* II, i, 75, p. 242, notices that in trial before a provincial governor's *consilium*, if a case was adjourned (*ampliatio*), the re-hearing could be called *actio altera*, like the second part of a trial under the *comperendinatio* procedure at Rome.

[52] P. 231.

Carcopino states his theory, that adjournments—*ampliationes*—without limit in number and, presumably, without penalty of fining, were allowed from 149 to 123 B.C., that by the *lex Acilia* of 123 B.C. they were rigorously prohibited, and that by Glaucia's law the prohibition was lifted to this extent, that *one* (unpenalized) *ampliatio* was allowed, and one only. *Comperendinatio* had been invented.

Now, this theory is open to serious objections.

In the first place, there is clearly a *formal* difference between a compulsory division of a hearing into two parts (*comperendinatio*) and, on the other hand, mere adjournments which are permitted, but, beyond a certain point, penalized, their number being restricted, not by law, but by the scruples of jurors, or their uncertainty whether the defendant's agents will continue to re-imburse them the amount of their fines.[53]

Secondly, the known facts of Verres' trial militate against Carcopino's explanation of the Verrine passage.[54] Cicero's first anxiety was to save time and to ensure that the trial was not made to drag out through the whole of the last five months of the year. This object he could achieve only by a risky act of self-sacrifice, by not speaking himself and by relying on the bare evidence of his witnesses to establish Verres' guilt. The *actio prima* opened. Cicero delivered the short speech which survives, an explanation, chiefly, of the reason for which he was taking the unusual, but not unexampled,[55] course of dispensing with a detailed denunciation of the prisoner's guilt. By this act he saved a great deal of time, not only the time of his own speech, but also the time that would have been taken by the full speech of the defending counsel, Hortensius; for the prosecution not having formulated any detailed charges against the prisoner, the defence, clearly, was not in a position to rebut those charges. As pseudo-Asconius informs us, 'Qua arte ita est fatigatus Hortensius, ut nihil contra quod diceret inveniret.'[56] The witnesses were heard, and their evidence of Verres' guilt was overwhelming. The adjournment (*comperendinatio*) was then moved. Cicero had ready a speech to deliver at the opening of the *actio secunda*, to which Hortensius would, presumably, have essayed a reply, after which further witnesses would have been heard, and the jury would have retired to vote. At the time of the *actio prima* Cicero had no reason to anticipate

[53] Though I do not deny that the imposition of a fine for excessive adjournments 'ist schon der Beginn der Entwicklung, aus welcher die *comperendinatio* hervorging'; P-W i, cols. 1979 f., s.v. *ampliatio*; cf. iv, col. 790, s.v. *comperendinatio*.

[54] The phrase 'illam Aciliam legem, qua lege multi semel accusati, semel dicta causa, semel auditis testibus condemnati sunt' (*Verr.* II, i, 26) does not warrant Carcopino's interpretation (*op. cit.*, 216), 'Selon Cicéron, la loi d'Acilius prescrivait de juger sur *un* (Carcopino's italics, not mine) réquisitoire.' Again, on p. 213, it is only thanks to the omission of a vital sentence in the text of Cicero that Carcopino can force the passage, 'Glaucia primus tulit . . . condemnati sunt,' to support his argument.

[55] It had been employed earlier by L. and M. Lucullus against L. Cotta, *Verr.* I, 55 and pseudo-Asconius *ad loc.*, p. 222.

[56] P. 205; stated also on pp. 230, 232.

that the *actio secunda* would not take place; his own words make that fact transparently clear.[57] In fact, however, his tactics succeeded better than he had hoped: Verres abandoned his defence and retired into exile. The court did not re-assemble, and the case was never formally concluded. Cicero, however, wrote up and published the speech that he had prepared for delivery at the *actio secunda*, and that is the second Verrine oration which survives, and which contains the passage with which our argument is concerned. It must be read in its imaginary context, *i.e.* as being spoken in the *actio secunda* against a prisoner who had not abandoned his defence.

When, therefore, Hortensius is represented as likely to object to Cicero's tactics on the ground, 'adimo enim comperendinatum,' the act to which he objects is not Cicero's *dispensing with* the *comperendinatio* (because that, clearly, was a thing which Cicero had not the power to do—procedure in court is determined by existing law and cannot be altered to suit a barrister's whim), but, on the contrary, Cicero's defeating the *intention* of the *comperendinatio* procedure. This, as Cicero admits, he has done, because, while *comperendinatio* allowed of *two long* set speeches from both counsel—one in the *actio prima*, and one in the *actio secunda*—Cicero's tactics have allowed of *one* only from each side, his own (second) speech, and Hortensius' anticipated reply.

In this *actio secunda* Cicero looks forward to the voting of the jury. He says, 'testibus editis ita mittam in consilium ut, etiamsi lex ampliandi faciat potestatem, tamen isti turpe sibi existiment non primo iudicare.' Now this sentence bristles with difficulties. Is the *lex*, as Carcopino thinks, the *lex Cornelia*, under which Verres was being tried, or is it, as scholars whose advice I have been privileged to enjoy are unanimous in thinking, the *lex Acilia*, to which earlier in the paragraph Cicero had referred?[58] And how is 'etiamsi . . . faciat potestatem' to be translated? Is the meaning (*a*), '*Even if* the law allowed *ampliatio* (which it doesn't)' or (*b*), 'Even if in fact the law *does* allow *ampliatio*'?

If the first alternative, (*a*), is correct, then there was some law, either the *lex Cornelia* or the *lex Acilia*, which did not allow *ampliatio* at all. If this were the *lex Acilia*, then Carcopino's point would be proved, and with it the existence of a very odd legal system which did not recognise honest doubt as a legitimate psychological state for a juror or allow, as in Scotland, a verdict of Not Proven or, as in England, the right of a jury to announce that it is unable to

[57] *Verr.* I, 34, 'Tua ratio est ut secundum binos ludos mihi respondere incipias, mea ut ante primos ludos comperendinem.' I am grateful to Dr. A. B. Poynton for emphasising to me the importance of this passage.

[58] Carcopino, *op. cit.*, 218, with whom, partly on the strength of the meaning of *lex* in section 25 and in the first sentence of section 26 in *Verr.* II, i, I agree. On the other hand, Dr. A. B. Poynton and Professor H. M. Last, to whom I owe thanks for his kindness in revising the manuscript of this article, consider, as Greenidge considered (*The Legal Procedure of Cicero's Time*, 501 n. 2), that by *lex* Cicero meant the *lex Acilia*.

agree on a verdict. But Carcopino has not chosen this easy means of reinforcing his own contention. By *lex* he understands the *lex Cornelia*, and thinks that the *lex Cornelia* allowed one *ampliatio* only—in the form of *comperendinatio*. If this were right, then we should have evidence, which otherwise we lack, that *ampliatio* was forbidden in extortion cases after the introduction of *comperendinatio*.[59]

If the second of the alternative meanings of 'etiamsi lex ampliandi faciat potestatem' is the right one, then the 'law,' whatever it was, allowed *ampliatio*. If the 'law' be the *lex Acilia*, Carcopino's case is put straight out of court. But it may be the *lex Cornelia*. Of the—as I think—four possible ways of taking the sentence, this is the only one which Carcopino notices, although it is one which suits his thesis badly. He translates, 'Bien que la loi *Cornelia* leur donne le pouvoir de demander un supplément d'information.' He thinks that 'adimo comperendinatum' means, not 'I make a farce of,' but 'I dispense with' the adjournment, *i.e.* 'I call on the jurors to vote straightway—etiamsi lex ampliandi faciat potestatem'—although the law allows *one ampliatio*, in the form of *comperendinatio*. To this there are two altogether fatal objections. The first, noticed above, is that barristers cannot at will play fast and loose with regulations, as determined by law. The second is that the imaginary setting of the second speech against Verres is after, not before, the adjournment. On Carcopino's own translation, therefore, the jurors of 70 B.C. have the right to vote Non Liquet at the end of the *actio secunda*. That is to say, *comperendinatio* is not, as Carcopino claims, the equivalent of a single *ampliatio*.

The facts can be stated simply. *Comperendinatio* was introduced by Glaucia and was retained by Sulla. There is no mention of it in the extant fragments of the Naples law. *Ampliatio;* on the other hand, is a feature of trials whose existence is recognised and for which definite regulations are made—whether or not for the first time, we cannot say—in the Naples law. That it survived the introduction of formal *comperendinatio* by Glaucia is probable in itself, but cannot be proved by definite evidence.

If these considerations make it unlikely that the Naples law should be the *lex Servilia Glauciae*, one passage in the Naples fragments is strong enough to establish that it *cannot* be that law even if, with Carcopino, one dates Glaucia's tribunate to 108 B.C. In line 74 (repeated in line 81) of the Naples law it is expressly stated that judgments under the earlier *lex Calpurnia* (of 149 B.C.) and *lex Iunia* (of date unknown) are not to be disturbed by this law. The relevant fragment of the tablet—(Quibusquom ioudicium) fuit fueritve ex

[59] Very little evidence exists of *ampliatio* at all, and none of its employment in the *quaestio repetundarum*, in the Ciceronian period; Greenidge, *op. cit.*, 499 ff.

lege, quam L. Calpurnius L.f. tr. pl. rogavit, exve lege quam M. Iunius D. f. tr. pl. rogavit, quei eorum eo ⟨iudicio . . .⟩—shows clearly enough that the list of preceding laws has been concluded before the break. Why is there no mention of the Gracchan law—or, according to Carcopino, laws—of 123–2 B.C.? This question is surely unanswerable on any other hypothesis than that of Mommsen, that the Naples law is part of the Gracchan judiciary legislation.

VII. The 'Lex Acilia,' in the Light of 'Verr.' ii. 1. 26 and the Verrine Scholia.

Before we can re-affirm, with Mommsen, that the Naples law is the *lex Acilia* of 123 or 122 B.C., we must examine the view that the *lex Acilia* altogether prohibited *ampliatio*. The improbability of such a prohibition from a legal point of view, whether in 123 or at any other time, has already been indicated.

Carcopino's argument depends on the extremely difficult and confused passage, *Verr.* ii. 1. 26. In this passage Cicero states that 'in destroying the point of *comperendinatio*,' he is, in effect, restoring the practice of the courts in the days before the introduction of *comperendinatio*, that is to say, before Glaucia. In so doing, he says explicitly, 'ego tibi illam Aciliam legem restituo.' He is anticipating Hortensius' objection that, by his refusal to make a set speech at the *actio prima* and by depriving Hortensius thereby of the opportunity of making a set speech in reply, he has reduced the set speeches on either side from two to one—the one of the *actio secunda*. Hortensius could claim that there was a danger of the jury giving a verdict on insufficient information: 'causam, inquit, cognosci oportet.' Cicero replies with a cunning logical trick, by using an improper disjunction. Under the *lex Acilia*, he says, a judgement might be given after a single hearing, or the case could be adjourned—'vel iudicari primo poterat vel amplius pronuntiari.' This is a true alternative. So, he continues, the innocent could have their agony cut short; the guilty, on the other hand, could, as we should say, be given a long run for their money—'vel cito absolvi vel tarde condemnari licebat.' The trap is baited. In apparent innocence Cicero has substituted 'cito absolvi' for 'iudicari primo,' 'tarde condemnari' for 'amplius pronuntiari.' He proceeds: 'Ego tibi illam Aciliam legem restituo, qua lege multi semel accusati, semel dicta causa, semel auditis testibus. . . .' The court would expect, 'absoluti sunt.' Instead they—imaginatively—heard, 'condemnati sunt, nequaquam tam manifestis neque tantis criminibus quantis tu convinceris.' Cicero was carefully working for this effect; no doubt in court he would have paused for a moment after the word 'testibus,' in order to heighten the emphasis. There is nothing here to indicate

that the *lex Acilia* forbade *ampliatio*; on the contrary, the passage can only be understood on the assumption that the *lex Acilia* allowed it.

Carcopino's interpretation of 'antea vel iudicari primo poterat vel amplius pronuntiari' as meaning, 'from 123 to 108 B.C. *ampliatio* was completely forbidden, while in the previous twenty-six years it was allowed, without any restriction,' is, in Latinity, of doubtful possibility.

As for the scholia, in the first place the epithet 'severissima,' applied to Acilius' law, is patently borrowed from the phrase 'severissimi iudices,' on which pseudo-Asconius was commenting, and the epithet was applied by Cicero to the *iudices* established by Acilius, as being *equites*, not senators. In his second comment it has simply to be assumed that, in stating that the *lex Acilia* did not allow *ampliatio*, the commentator has made a mistake, through failing to understand the Verrine passage on which he was commenting. After all, in his comments on this same paragraph [60] he makes two other mistakes. He writes, 'comperendinato iudicio dicit prior defensor,' a remark repeated by him elsewhere,[61] but contradicted by many of Cicero's statements in this same speech.[62] Again he writes, 'Ante legem Glauciae de comperendinatione aut statim sententia dicebatur, si absolvendus esset reus, aut amplius pronuntiabatur, si videretur esse damnandus,' a remark which he contradicts elsewhere by a correct statement of the law.[63] It may be noticed that this latter observation, on his attitude to which Carcopino is silent, does not indicate that pseudo-Asconius, on whom he chiefly relies, shared his own view that in the fifteen years preceding Glaucia's legislation *ampliatio* was not in any circumstances allowed.

As between different judgements on the value of these scholia concerning the *lex Acilia*, between Mommsen's—'merae nugae sunt neque aliunde fluxerunt nisi ex ipsis Ciceronis verbis pessime lectis'—and Carcopino's—'elles en respectent le sens et elles l'éclaircissent' [64]—Mommsen may speak harshly; but there can be little doubt that he speaks the truth.

VIII. Conclusion

Glaucia's tribunate, then, is probably to be dated to 104—possibly to 101 B.C.—and his legislation, in as far as it concerned the constitution of juries in the *quaestio repetundarum*, is to be understood as cancelling the legislation of Caepio, which was passed in 106 B.C. and accurately recorded by Cassiodorus

[60] Ad *Verr.* II, i, 26, p. 230.
[61] P. 224.
[62] *Verr.* II, i, 71; ii, 177; v, 32, etc. *Cf.* Greenidge, *op. cit.*, 501, n. 1.
[63] Ad *Verr.* II, i, 74, p. 242.
[64] Mommsen, *Ges. Schr.* i, p. 18; Carcopino, *op. cit.*, 215.

and by Obsequens.[65] For the rest, however, Mommsen's interpretation of the Naples law is as certain now as it was when he first propounded it; that law is the *lex Acilia* of 123 or 122 B.C., by which the *quaestio repetundarum* was handed over, exclusively, to the knights. In the great chorus of ancient witnesses who attest that this was the achievement of C. Gracchus, the contradictory voice of Plutarch and the silence of the Epitomator of Livy (inaccurate as he is elsewhere, as we have seen, on the history of the court) need not disconcert the historian. And as for the trio of Gracchan laws so ingeniously elicited by Carcopino, a *lex Acilia* which abolished *ampliatio*, a lex *Sempronia iudiciaria* which established an *album iudicum* of six hundred *equites* and three hundred senators, and a *lex Rubria* or *Rubria Acilia* which excluded big business men from jury service—if the Naples law is not identified as the *lex Servilia* of Glaucia, they lose, all three of them, their *raison d'être*.

The *lex Acilia* appears to have held the field from 123/2 to 106 B.C. How, then, are we to explain the engraving, on the reverse of the Naples tablet, of the *lex agraria* of 111 B.C.? Many suggestions may be made: for our present purpose two will suffice. Though the agrarian law was passed in 111 B.C., this copy of it may not have been set up in Campania until after 106 B.C. Alternatively, the side bearing the *lex repetundarum* may never have been posted publicly at all. It is defaced by a piece of carelessness on the part of the engraver, lines 72–78 being repeated in full in lines 79–85. From the start, therefore, it was a faulty copy, and may have been judged unfit for posting. In which case the agrarian law gives us no clue at all to the date at which the *lex Acilia* was rescinded.[66]

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[65] F. Münzer, P-W xiii, col. 258 (L. Licinius Crassus, no. 55); iiA, cols. 1783 f. (Q. Servilius Caepio); cols. 1796 f. (C. Servilius Glaucia); *Römische Adelsparteien*, pp. 287 f., believes in the historical reality of Caepio's legislation, as described by Cassiodorus and by Obsequens, but he follows Mommsen in placing Glaucia's tribunate in 111 B.C.

[66] As it will be some time before the work that I was doing in Rome in the spring of 1937 will be ready for publication, I should like to take this opportunity of expressing my gratitude for the privilege of residing at the British School and of using both its library and the Bibliothek des deutschen archäologischen Instituts at Rome.

	Epigraphical	Cicero	Asconius,* Pseudo-Asconius, and other Ciceronian Scholiasts	Livy, *Periochae*	Writers dependent on Livy, or Livy in *Epitome*	Diodorus	Velleius Paterculus and Valerius Maximus	The Elder Pliny	Plutarch	Tacitus	Appian
Lex Calpurnia of 149 B.C.	*CIL* I², 583, l. 74 (81)	*Brutus*, 106 *De Officiis* II, 75 *Verr.* II, iii, 195; iv, 56									
Tiberius Gracchus					Cassius Dio fr. 82, 7			? *NH* xxxiii, 34	*Tib. Gr.* 16		
Lex Iunia	*CIL* I², 583, l. 74 (81)										
C. Gracchus		[*Verr.* I, 38]		? *Per.* 60	Florus ii, 5 [iii, 17]	XXXV, 25 (cf. XXXVII, 9)	V.P. II, 6, 13, 32	*NH* xxxiii, 34	*C. Gr.* 5 and *Comp.* 2	*Ann.* xii, 60	*B.C.* I, 22, 2
Lex Acilia		*Verr.* I, 51 *Verr.* II, i, 26	Ps. Asc. p. 221 Ps. Acs. p. 231								
Lex Servilia Caepionis		*De Invent.* I, 92 *Pro Cluentio* 140 *Brutus* 161, 164 *De Oratore* I, 225 ff.; II, 199 f., 223, [240, 264, 267]			Cassiodorus, *Chron.* (*M.G.H.* xi, 132) Obsequens 41 (101)		[V.M. VI, ix, 13]			*Ann.* xii, 60	
Lex Servilia Glauciae		*Verr.* II, i, 26 *Pro Scauro*, 1, 2 *Brutus* 224 *Pro Rab. Postumo* 8 f. *Pro Balbo* 54	Ps. Asc. pp. 230 ff. Asc. *in Scaurianam*, p. 21				[V.M. VIII, i, 8]				
Livius Drusus, 91 B.C.		*Pro Rab. Postumo* 16 *Pro Cluentio* 153	Asc. *in Scaurianam*, p. 21	*Per.* 70 f.	*de vir. ill.* 66	XXXVII, 10	V.P. II, 13				*B.C.* I, 35, 4
Lex Plautia, 89 B.C.		*Pro Cornelio*, ap. Ascon., p. 79	Asc. *in Cornelianam*, p. 79								
Lex Cornelia of Sulla		*Verr.* I, 37 *Pro Rab. Postumo* 8 f.	Ps. Asc., p. 218				V.P. II, 32			*Ann.* xi, 22 [*Ann.* xii, 60]	
Lex Aurelia, 70 B.C.		*Verr.* II, ii, 174 [*Verr.* II, iii, 223] *Pro Cluentio* 121, 130 *ad Att.* I, 16, 3 *Phil.* I, 20 *Pro Fonteio* 36 *Pro Flacco* 96	Ps. Asc., p. 206 Ps. Asc., p. 189 Asc. *in Pisonianam*, p. 17 Asc. *in Cornelianam*, p. 67 Schol. Gronov. p. 328 Schol. Bob. p. 91 Schol. Bob. p. 94	*Per.* 97			V.P. II, 32		*Cn. Pompeius* 22	*Ann.* xi, 22	

* Throughout this article Asconius is cited by the pages of A. C. Clark's edition (Oxford, 1907) and other Ciceronian scholiasts by the pages of the edition of Th. Stangl (Leipzig, 1912).

[*To face p.* 114.

TWO TOMB-GROUPS FROM SELINUS

In the course of a study of Etruscan bucchero, I had an opportunity in the spring of 1937 to examine the contents of the graves from Selinus in the museum at Palermo. For permission to publish these I wish to express my thanks to Dr. P. Mingazzini, then Director of the Museum, who most courteously gave me every facility for studying them, and provided me with the photographs here reproduced. I gladly availed myself of the opportunity to publish the contents of two of the early tombs (nos. 27 and 55), not only because they contain bucchero and other pottery closely resembling bucchero, as well as Corinthian vases, but also in view of the fact that although the dating of more than one category of Greek pottery rests on the foundation date of Selinus, none of the early tombs from this site has been published in detail. The published information on this material is contained in an article by Cavallari in the *Bulletino della Commissione di Antichità e Belle Arti in Sicilia*, no. 5 (1872), pp. 10 f. This gives a general description of the various types of graves and their contents, and is illustrated by photographs of eleven selected vases, but furnishes nothing in the nature of an inventory for any particular grave. This article, however, together with the careful arrangement of the contents of the graves in separate groups in the museum, makes it possible to give a more detailed account of individual graves.

The earlier of the two cemeteries excavated at Selinus, to which these two tombs belong, lies on a narrow plateau a few hundred metres to the north of the site of the ancient town. The area is known as Galera e Bagliazzo.[1] Here over two hundred tombs, all inhumation, were excavated by Schubring and later by Cavallari; and none of these appears to be later than the first quarter of the sixth century B.C. In fact, it was originally suggested by Cavallari that the whole cemetery was that of a pre-Greek population on the site.[2] Though this interpretation seems to have been accepted by Busolt,[3] it is now known that the cemetery falls wholly within the Greek period.

It will be evident that Tombs 27 and 55 were not chosen on account of the richness or artistic merit of their contents, but because the variety of the

[1] The later cemetery lies in the district of Manicalunga on the west side of the ancient town. The position of the two cemeteries is shown by Cavallari (*op. cit.* Tav. 1.). Payne (*Necrocorinthia* p. 23, n. 1.) is mistaken in supposing that Galera lies near the shrine of Demeter Malophoros (on the west of the town); in fact, it closely adjoins Bagliazzo, and forms with it a single cemetery.

[2] *Op. cit.* p. 16.

[3] *Griech. Gesch.*[2] vol. i, p. 416, n. 3.

pottery which they contain gave the best hope of establishing their date in relation to tombs elsewhere, and also because, by their very lack of artistic merit, several types of common pottery here represented, though demonstrably useful for dating purposes and interesting on account of their wide distribution, have hitherto escaped general notice. It must also be observed that the poor quality of the contents in the graves here illustrated is characteristic of the early Greek cemetery at Selinus as a whole, as it is also characteristic of the early Greek cemeteries of Syracuse and Megara Hyblaea.

Tomb 55

This tomb contains twenty-four pottery vases, including a plastic vase, and various small metal objects. The pottery may be classified as follows:—

A. Bucchero

1. *Kantharos* (Pl. XIII, A); height to top of rim 9·4 cm.; diameter 14·2–13·6 cm.; height to top of handles 15 cm. Dark-grey clay; highly polished surface with metallic lustre; no decoration.

2. Similar (Pl. XIII, B); height to top of rim 6·7 cm.; diameter 12–11·5 cm.; height to top of handles 11·8 cm. Less fine clay than last; surface polished but without metallic lustre. Rough diagonal notches on carination.

3. Similar (Pl. XIV, A); height to top of rim 7·3 cm.; diameter 12·5–11·9 cm.; height to top of handles 12·8 cm. Clay and surface similar to no. 2. Notches on carination; two fine incised lines round outside of rim.

4. Similar (Pl. XIV, B); height to top of rim 7·0 cm.; diameter 12·2–11·6 cm.; height to top of handles 12·2 cm. Clay and surface as no. 1 above, notches on carination.

These kantharoi are extremely common at Selinus,[4] as also in the Fusco cemetery at Syracuse and at Megara Hyblaea. The Syracuse museum contains forty-five from Syracuse, eighteen from Megara Hyblaea, and two from Gela.[5] In the rest of Sicily they are scarce; two are mentioned from Motya,[6] but none is known either from Camarina or from Agrigento.[7]

In Italy the type seems to be almost entirely confined to Etruscan sites. A few have been found at Cumae,[8] but the type is said to be exceedingly rare on this site. Both Gabrici and Orsi believe it to be of Etruscan origin. The number of published examples from Etruscan sites is, however, very small, and the

[4] *Cf.* Orsi in *Not. Scav.* 1925, p. 181, n. 2.
[5] Orsi, *loc. cit.*
[6] Whitaker, *Motya*, pp. 317–318.
[7] *Cf.* Orsi in *Mon. Ant.* vol. xvii, p. 647.
[8] Gabrici in *op. cit.*, vol. xxii, p. 269, fig. 108, and p. 293.

provenance of museum specimens is seldom known.[9] Cavallari mentions one from Chiusi in the museum at Palermo which appeared to be identical with one of those from the Selinus cemetery.[10] A large number was apparently found at Bologna, in graves of the Arnoaldi period, and Grenier believes these to be of local manufacture,[11] but not on very convincing grounds. An example from Narce is illustrated in *Mon. Ant.* vol. iv, p. 307, fig. 156, together with a large group of other bucchero from the same burial. An example from the Esquiline cemetery appears in *Mon. Ant.* vol. xv, Pl. 10, no. 17. Examples from Veii occur in datable tombs, *e.g.* Tomb 8 (*Not. Scav.* 1935, p. 60, and Tav. ii, 3, but with lower ring-foot), on the date of which see below p. 123, and from another single-burial tomb (unnumbered), *cf. Not. Scav. loc. cit.*, p. 350, fig. 21e) together with other bucchero, including cups with offset rim of Corinthian shape (*cf.* Payne, *Necrocorinthia*,[11a] pp. 296, 310), and oinochoai similar to those from the Tomba dei Dolii at Cerveteri, on which see below, p. 123.

The tendency to neglect the evidence of undecorated pottery, too frequent in the past, may account for the apparent rarity of this material on sites east of the Adriatic. Two examples are known from a single-burial grave at Ialysos which also contained Early Corinthian pottery. One of these kantharoi is very similar to the Selinus specimens, the other of less spreading and deeper shape.[12] The same two variants occur together in the Veii tomb already mentioned above. A pair is exhibited in the Corinth museum, of approximately the same size as ours and similar to nos. 2–4 in having notches on the carination.[13] Naucratis furnishes no parallels, the bucchero found here being confined apparently to fragments of large *Deinoi* (cauldron-shaped bowls) and stands.[14]

It remains to consider the date and origin of these kantharoi. The tombs from Veii indicate a date contemporary with Transitional[15] Corinthian pottery. Somewhat later is a single-burial grave at Syracuse (Santa Lucia cemetery, Tomb 1. *Cf. Not. Scav.* 1925, pp. 178 f.), which, in addition to

[9] *Cf. B.M. Cat. Vases*, vol. i, Part ii, no. H 145 (Pl. XIV), which closely resembles the Selinus examples.

[10] Cavallari, *op. cit.* p. 15 and fig. 11a.

[11] *Cf.* Grenier, *Bologne Villanovienne et Etrusque* (1912), pp. 245, 250. The description of the clay as more closely resembling *impasto* than true bucchero makes it probable that Grenier's specimens resemble those from Selinus here under discussion. They are distinct, on the one hand, from the thin, fine Etruscan bucchero contemporary with late Protocorinthian pottery, and, on the other, from the heavy moulded bucchero which appears to have succeeded it.

[11a] This work will be referred to hereafter as 'Payne.'

[12] *Cf. Clara Rhodos*, vol. iii, 1929 (Jacopi, *Scavi nella necropoli di Jalisso*, 1924–1928), p. 24, nos. 6, 7, and fig. 6. (This publication will be referred to hereafter as *Ialysos*.)

[13] Corinth museum, Case 32, nos. 129, 130. I am indebted for this information to my colleague Mr. R. M. Cook.

[14] *Cf.* E. A. Gardner, *Naukratis*, vol. ii (1888), pp. 47 f., 50 f.

[15] Payne in his *Necrocorinthia* divides his material into Transitional, which he dates *c.* 640–625 B.C.; Early Corinthian (*c.* 625–600 B.C.); Middle Corinthian (*c.* 600–575 B.C.); and Late Corinthian (*c.* 575–550 B.C.). These chronological groups are hereafter referred to by the abbreviations TR., E.C., M.C., and L.C.

four bucchero kantharoi of this class, contained bucchero bowls decorated with moulded protomae, and Corinthian pottery, including the vase in the form of a lion which Payne (p. 173) assigns to his E.C. period. No known examples appear to come from graves which are later than the end of the E.C. period,[16] and the absence of specimens from Camarina and Agrigento is probably to be explained by the fact that these types had ceased to be made by the beginning of the sixth century B.C. The foundation dates of Camarina and Akragas are 599 B.C. and 580 B.C. respectively.[17] The bucchero from Naucratis, which, as we have seen, included none of these kantharoi, can all be dated to the first half of the sixth century B.C.[18]

A Black Glaze kantharos from Rhitsona in Boeotia,[19] found in a tomb which cannot be much earlier than 535 B.C.,[20] shows that the shape had reappeared at this later date with very little difference except a slightly higher foot. A similar kantharos is also represented on an Attic B.F. vase by Amasis of about the same period.[21] A probable explanation of this revival of the shape in pottery (though not in bucchero) is its persistence in metal, for the brilliant metallic lustre of several of the bucchero kantharoi shows that they were intended to imitate metal, as was also the case with the vast quantities of Black Glaze kantharoi from Boeotia.[22]

As to their place of manufacture, the rarity of these bucchero kantharoi on sites east of the Adriatic seems to exclude an East Mediterranean origin, and the distribution of the published examples favours on the whole Ducati's theory of Sicilian manufacture[23] rather than the more generally accepted view that these kantharoi are Etruscan. To this latter view there is the further objection that the kantharoi under consideration are inferior in fabric and technique to the demonstrably earlier bucchero, mostly with pricked fan-shaped decorations, found on so many Etruscan sites in large quantities. The suggestion that the ribbon-handled kantharoi were made in Campania while it was under Etruscan domination may be seen from their distribution to be without archaeological support.

Whether the kantharoi be Etruscan or Sicilian, their occurrence in considerable numbers at the same period in both these regions and almost nowhere else is proof of a considerable commercial intercourse between Etruria

[16] Some unpublished graves from Megara Hyblaea, exhibited in the Syracuse museum, contain examples of these kantharoi together with Corinthian pottery of later date. But the early graves from this site nearly always contained several burials (*cf. Not. Scav.* 1892, pp. 172 f.), and are therefore useless for dating purposes.

[17] *Cf.* Thuc. vi. 4, 4; and 5, 3. On the reliability of these foundation-dates see below, pp. 130 f.

[18] *Cf.* Gardner, *ibid.* (above, n. 14).

[19] Illustrated by Ure, *Sixth- and Fifth-Century Pottery From Rhitsona, 1927*, Pl. X, top row, second from left.

[20] *Op. cit.* p. 18.

[21] *Cf.* Pfuhl, *Malerei und Zeichnung der Griechen*, Bd. iii, p. 54, fig. 222.

[22] *Cf.* the example with *repoussé* decoration, Ure *Black Glaze Pottery from Rhitsona, 1913*, p. 12.

[23] *Cf.* Ducati, *Storia della Ceramica Greca* (1922), vol. i, p. 101, n. 4.

and the Sicilian Greeks in the later seventh century; and the occurrence of the kantharoi in Etruscan tombs may often provide a valuable indication of date where the evidence of Greek pottery is lacking.

B. Corinthian

1. *Pyxides*

5. (Pl. XV, A.) Height 10·6 cm.; diameter of body 13·5 cm. Squat, globular body on low, vertical foot-ring; short, vertical neck; ring handles broken; cover, flat, with vase-shaped central knob. Pinkish clay with cream slip. Decoration in reddish-brown paint; on neck, continuous zigzag band; on body, upper zone, roughly executed frieze of hoplites, with incised details; background filled in with rosettes of two types; lower zone, separated from upper by three horizontal bands, reversed Z-shaped ornaments; four horizontal bands above foot-ring.

For the shape of the vase, *cf.* Payne, p. 308, fig. 147 ('scale-pattern group'); *cf. ibid.* p. 63, transitional from E.C. to M.C., *c.* 600 B.C. But in Payne's example the knob of the cover is different and the neck shorter. The pyxis under discussion has a knob and cover of definitely early shape (*cf.* the pyxis, Payne, p. 292, no. 526, fig. 129, late Protocorinthian to E.C.). For the frieze of warriors, *cf.* Payne, Pl. 26, 6, and p. 288, nos. 517, 518, all E.C.; other parallels occur at Megara Hyblaea, Tomb 80, an undisturbed tomb in which a Corinthian aryballos decorated with a file of hoplites appears with eight skyphoi of Protocorinthian style (*Mon. Ant.* vol. i, p. 837); also at Tarquinia on an aryballos, Etruscan imitation of Corinthian (Montelius, *Civ. Prim. Ital.* Pl. 298, no. 10); and on incised ostrich-eggs from the Polledrara tomb at Vulci (Montelius, *op. cit.* Pl. 265, no. 1).

For the reversed Z-pattern, *cf.* Payne, p. 306, nos. 874, 875 ('scale pattern group,' as above); *cf.* also an example from Pitigliano (Montelius, *op. cit.* Pl. 210, no. 4, and *Not. Scav.* 1896, pp. 267 f.). For the zigzag band *cf.* Payne, Pl. 24, 1 (no. 531) E.C.; also *Mon. Ant.* vol. xxxii, Pl. 87, 12 (Selinus, from the temple of Demeter Malophoros).

The carelessly executed incised rosettes on this vase appear both on E.C. and M.C. vases (*cf.* Payne, Pl. 22, 4; Pl. 24, 5, E.C.; Pl. 28, 4, 7, M.C.). Dot rosettes are generally a mark of E.C. date or earlier (Payne, p. 157), and the combination of both types on the same vase is characteristic of a group of vases of the beginning of the E.C. period (*ibid.* p. 31).

6. (Pl. XVI, B.) Height 9·0 cm.; diameter of body 10·7 cm. High-shouldered, globular body with very short, vertical neck and slanting foot-

ring of larger diameter than the neck; two upright loop-handles on shoulder; no cover. Pinkish clay with cream slip. Geometric decoration in orange, purple, and black. On shoulder, tongue-pattern; below, horizontal bands and chequer pattern; on lower part of body, horizontal bands. For the shape, *cf.* Payne, p. 307, fig. 142, and others there cited, all with figure decoration assigned to the early sixth century. Similar to ours in shape, decoration and size are six examples from Megara Hyblaea Tomb 94, a double grave in which some material is probably early sixth century, while much of it corresponds to this Selinus grave (*cf. Mon. Ant.* vol. i, p. 851). The same decoration occurs on a much larger vase of more slender proportions, *ibid.*, p. 869 (Tomb 177), but this grave contained more than one burial and cannot be precisely dated.

7. Height 4·9 cm.; diameter of body 6·5 cm. Same type as no. 6; similar geometric decoration in black only.

8. Companion piece to no. 7; same dimensions; broken.

9. (Pl. XVI, A2.) Height 5·8 cm.; diameter of body 8·3 cm. Low, bowl-shaped body, with very short out-turned neck; slanting foot-ring of smaller diameter than neck. No handles. Flat cover with low, flattened knob. Pinkish clay with cream slip. Decoration in black and orange-brown paint. Horizontal bands with panels of upright, wavy lines on shoulder. For shape, *cf.* Payne, p. 306, fig. 141, generally M.C. (after 600), but Payne's no. 866 is E.C.

10. Height 5·9 cm.; diameter of body 7·5 cm. Similar to no. 9. No. handles; no cover. Decoration, horizontal bands and zigzags.

11. Height 4·3 cm.; diameter of body 6·4 cm. Similar to nos. 9 and 10, but misshapen. Cover more convex than that of no. 9. Decoration, horizontal bands and roughly executed chequer pattern as on no. 16 below.

2. *Kotylai*

(With small horizontal loop-handles.)

12. (Pl. XVII, C3.) Height 5·8 cm.; diameter of body 9·9 cm. Pink clay, cream slip only on handles and band round rim. Traces outside of horizontal bands of black and red; wide band of red inside at top.

13. (Pl. XVII, C2.) Height 4·2 cm.; diameter of body 6·9 cm. Pink clay, cream slip covering the whole vessel. Decoration, horizontal bands of black and red paint; band of upright wavy lines round rim. The type appears to be that described by Payne (p. 334); most of his examples are L.C., though he cites a group from Thera which may be seventh century. The foot-ring in

the example from Selinus is less spreading than in Payne's fig. 181B, and the vertical wavy lines round the rim are closer to the zigzags of the TR. kotyle, Payne, p. 279, fig. 120B.

14. (Pl. XVII, C1.) Height 3·4 cm.; diameter of body 5·5 cm. Similar to no. 13, but with middle frieze of running animals, for which *cf.* Payne, p. 23, fig. 9C (Late Protocorinthian); *ibid.* p. 279, no. 191 (said to be not later than 600 B.C.). An example from the temple of Demeter Malophoros at Selinus is described as 'tipo protocorinzio tardo' (*cf. Mon. Ant.* vol. xxxii, Tav. 87, 9) and similarly decorated pointed Corinthian aryballoi from Ialysos occur in single-burial graves with Rhodian Geometric cups (*cf. Ialysos*, Tav. 6, last example).

15. (Pl. XVII, D1.) Height 3·8 cm.; diameter of body 7·0 cm.; Probably local imitation. Rough, cream clay, undecorated.

3. *Amphoriskoi*

16. (Pl. 03, B1.) Height 9·0 cm.; diameter of body 6·0 cm. Wide, high-shouldered body with low pedestal foot. Pinkish clay with cream slip. Geometric decoration in black paint; below neck, tongue pattern; on shoulder, roughly executed chequer pattern with horizontal bands above and below. Payne (p. 314) expresses the view that the amphoriskos in general is not earlier than M.C., and a grave at Samos published by Boehlau (*Aus Ionischen und Italischen Nekropolen*, pp. 38 f.) (*cf.* Payne, p. 309, nos. 950 ff.) shows that precisely the same shape is found in this period, but an example from Ialysos, closely similar to the Selinus piece in size, shape and decoration, was published as found with a Rhodian geometric skyphos (*Ialysos*, Tomb LXII; p. 105, fig. 99).

17. Similar to no. 16. Height 8·8 cm.; diameter of body 6·5 cm. Identical decoration.

18. (Pl. XV, B2.) Height 8·7 cm.; diameter of body 5·6 cm. Shape slimmer than nos. 16 and 17, with small, low foot-ring. Pinkish clay, cream slip. Decoration in black paint, much perished. Below neck, tongue pattern; on body, broad frieze of padded dancers and rosettes with narrow, horizontal bands above and below. For the main frieze, *cf.* Payne, pp. 118 f. and Pl. 21, 8 (E.C.). Payne's no. 724, somewhat similar, is also E.C. An alabastron from Megara Hyblaea (Tomb 216), corresponding in shape and size to Payne, Pl. 20, 1 and 2 (E.C.), has the same design of padded dancers and rosettes (*Mon. Ant.* vol. i, p. 881). Though the same motif occurs on later Corinthian vases (*cf.* Payne, Pl. 31, 8 (M.C.) and Boehlau, *op. cit.*, Taf. iv. 3), the style is

recognisably different, and that of the example under discussion seems only to occur on E.C. vessels.

19. Neck of amphoriskos of same shape as nos. 16–18.

4. *Oinochoai*

(Miniature.)

20. (Pl. XVII, A1.) Height to top of handle 5·4 cm. Squat, globular body with low foot-ring; handle rising above lip; trefoil pinched spout. Pink clay, as no. 12 above; no slip. Decoration, horizontal bands of black paint.

This vase closely resembles in shape and decoration the still smaller example from Sparta (*Artemis Orthia*, p. 98, fig. 70d), found with Laconian II pottery, and itself assigned to this class.

21. (Pl. XVII, A2.) Height to top of handle 8.0 cm. Carinated body without foot; trefoil pinched spout; neck relatively taller and wider than no. 20. Fine cream clay, no slip; undecorated. ? Local imitation.

5. *Aryballoi*

22. (Pl. XVI, A1.) Round aryballos, height 6·6 cm.; diameter of body 6·2 cm. Very short neck, with broad, deep vertical rim. Quatrefoil decoration in black paint only.

For the decoration, *cf.* Payne (p. 320), who says that no examples are known before the early sixth century, the type becoming very common towards the middle of the century.

For the shape, however, with its exceptionally short neck and deep rim, *cf. ibid.* p. 287, fig. 123 (beginning of E.C.), and *Ialysos*, p. 79, no. 32, from Tomb XLV, which includes, as well as E.C. vases, a Rhodian oinochoe of the 'wild goat' class (*i.e.* contemporary with E.C.; *cf.* R. M. Cook in *B.S.A.* vol. 34, p. 2, n. 1).

C. Miscellaneous Pottery

1. *Bowl*

23. (Pl. XVII, D2.) Height 2·5 cm.; diameter 9·0 cm. Small, shallow, handleless bowl; wide, flat rim; two holes on one side of rim for suspension, but holes filled up in baking. Cream clay, cream slip; remains of horizontal bands of black and orange paint.

For similar bowls, *cf.* examples from Veii, Tomb 1 (*Not. Scav.* 1935, p. 43, Group A, no. 5); Tomb 3 (*ibid.* p. 49, no. 23, and Tav. i, top row, right);

Tomb 8 (*ibid.* p. 60, no. 12, Tav. ii, top row); Tomb 9 (*ibid.* p. 61; no. 8, and Tav. iii, 2). Also examples from Villanovan *fossa* graves in the Argiletum, Rome (*Not. Scav.* 1903, p. 389, and p. 388, fig. 14, and *ibid.* p. 424, fig. 56), the first from a tomb which also contained a pointed Corinthian aryballos with frieze of running animals similar to those from the Tomba dei Dolii at Cerveteri (see below), the second from a grave containing local pottery of the same types as in Veii Tomb 1 above. In all these examples the two holes for suspension are present and the decoration is similar. The bowl from Veii Tomb 3 (which, like the others here referred to, is a single-burial grave) is associated with pointed aryballoi of the type Payne no. 478 (TR./E.C.), and the general contents of Veii Tombs 3, 8 and 9 indicate that these tombs are both about the same date as the Tomba dei Dolii at Cerveteri (*cf. Studi Etruschi*, vol. i, pp. 159 f., Tav. xxvii), which contains a large deposit of certainly contemporary pottery, of which the Corinthian vases are all TR.

2. *Plastic Vase*

24. (Pl. XVII, B.) Height 13·2 cm. Cream clay, cream slip; remains of black paint. The figure represents a kneeling satyr, and is shown by the rim which crowns the satyr's head to be a plastic vase.

For Corinthian examples of these, *cf.* Payne (p. 180). Similar vases are illustrated by Maksimova *Les Vases plastiques dans l'antiquité* (1927), Pl. XVI, no. 67A; Pl. XVII, no. 69, both from Rhodes. Our example shares some characteristics with both of these, but is not identical with either. A Corinthian example from Cerveteri (*ibid.* Pl. XLII, no. 158) decorated with black paint, one from Populonia (*Not. Scav.* 1934, p. 362) and an example from Megara Hyblaea, Tomb 86 (*Mon. Ant.* vol. i, p. 838, Tav. 6, no. 5), with traces of red paint, are very similar to the present piece. Otherwise similar kneeling figures, from the Tomba del Figulo at Vetulonia (*Not. Scav.* 1894, p. 348), and from Syracuse (*op. cit.* 1895, p. 54, fig. 39) have the hands placed close together on the breast, with the fingers clenched and the thumbs pointing upwards. This may suggest that these kneeling figures have an apotropaic significance.

D. Metal Objects

The metal objects consist of fragments of thin bronze rosettes, such as might have served as mounts for a wooden casket or bed; two small bronze hooks; an iron cramp, broken; and four solid bronze spheres, some one and a half centimetres in diameter, a size normal for sling-bullets of clay or lead.

Similar bronze balls occur in Tomb 27 at Selinus and also at Megara Hyblaea in a tomb (no. 21) of late Protocorinthian date (*cf. Mon. Ant.* vol. i, p. 808); stone balls of similar size occur at Selinus in Tomb 37, and also in graves of the Sorbo cemetery at Cerveteri, preserved in the Villa Giulia Museum, Rome. It seems improbable that bronze would be used for sling-bullets, and a more likely explanation is that they were dress- or tassel-weights as illustrated by Pfuhl, *Malerei und Zeichnung der Griechen*, vol. iii (1923), p. 36, fig. 156; p. 90, fig. 318, etc.

Tomb 27.

This tomb contained the following pottery and other objects:—

A. Corinthian

1. *Alabastron* (Pl. XVI, C.) Height 20·0 cm. Variation of type described by Payne, p. 284D. Decoration much perished. It consists chiefly of incised rosettes, but round the middle of the body there appears to be a zone bounded by horizontal lines containing a slanting tongue pattern, incised.

2–4. (Pl. XVIII, B3-5.) Miniature *Kotylai* as above, Tomb 55, no. 13.

B. Black Glaze

5. (Pl. XVIII, A.) *Two-handled drinking-cup* with offset rim, of normal size (not miniature). Fine, smooth, yellow-brown clay, covered inside and out, except at top of rim and reserved band at level of handles, with lustrous black paint (carelessly and thickly applied above reserved band). This vase belongs to a type well represented at Vroulià (Kinch, *Fouilles de Vroulià*, pp. 144 f., classified as 'Coupes jaunes et noires'). The example illustrated by Kinch (*ibid.* fig. 47, from Rhodes) is a precisely similar shape to ours, but has an ornamentation of raised *bucrania* and dot-rosettes round the reserved band at the level of the handles. The decoration on this cup, and the Rhodian 'dot-rosette' skyphos (*cf.* Kinch, *op. cit.* pp. 136 f.) with which a more typical example was found in a single-burial Vroulià grave (no. 25. *Cf. op. cit.* p. 83 and Pl. 43) suggest a date contemporary with Corinthian TR. (*cf.* Payne, Pl. 9–11 *bis* and p. 157). The same conclusion is suggested by the bucchero cup, closely resembling in shape the one under discussion, found in a tomb at Veii together with a bucchero kantharos of the type discussed above, pp. 116 f. and fine bucchero oinochoai. (*Cf. Not. Scav.* 1935, p. 350, fig. 21F).

6. (Pl. XVIII, B1.) *Alabastron*, with long, truncheon-shaped body, pointed at end, and flat, disc-shaped rim. Length 32·0 cm. Smooth, black, polished

surface, undecorated. On the clay and on parallels to this and the following vase see below.

7. (Pl. XVIII, B2.) *Alabastron* of same shape as no. 6. Length 21·0 cm. Smooth, black, polished surface; whole of body decorated with close concentric grooves (not a spiral).

Parallels to these two alabastra, almost always of very large size, are very numerous, not only in other graves of the same cemetery, but also on other Sicilian sites, in Rhodes, in Asia Minor, and in Etruria.

The great length of the vessel from Selinus Tomb 27 is surpassed by an example from Tomb 33 (length 47·6 cm.), and by another from Samos (Boehlau, *op. cit.* p. 148, and Taf. v. 4, length 50·0 cm.). Both these are of the grooved type. The examples from Selinus Tomb 27 are complete, but the clay of three or four broken specimens from Tomb 34 shows considerable variation. Two of these are of dark grey clay, another is reddish throughout, another piece half red and half grey; all are baked very hard, and the variations in colour are probably due to differences in baking. Broken specimens from the Fusco cemetery at Syracuse [24] are of brownish-cream clay, and this seems to be the case with the examples from Samos (Boehlau, *op. cit.* p. 148; *cf. ibid.* p. 120, where this type of pottery with black polished surface is misleadingly classed as 'bucchero'). From their outside appearance, these alabastra under consideration are, in fact, indistinguishable from bucchero, and have sometimes been described as such (so *e.g.* the examples from Tarquinia and from Ephesus cited below). But there is an essential difference, in that the clay of these vases is not homogeneous and dark throughout, but consists of a lighter core and dark-coated polished surface.

The following list indicates their wide distribution.

Samos. Boehlau, *op. cit.* Taf. v, 4; and Taf. ix, 6.

Cyprus. Cesnola, *Salaminia,* Pl. vi, 7.

Rhodes. *Ialysos,* p. 35 (Tomb 5, no. 6); pp. 58 f. (Tomb XXXIII no. 25); p. 74 (Tomb XLV, no. 10); pp. 79 f. (Tomb XLVI, no. 4). Six examples occur in another Ialysos grave (Tomb 36 of the 1922 excavations, *cf.* Maiuri, *Annuario della Scuola Italiana d'Atene,* vi/vii, 1923/4, p. 293, together with late Rhodian geometric, a conical E.C. lekythos, and a large cup decorated with boars, sphinxes, etc., and described as 'Attico-Corinthian.' Maiuri (*loc. cit.*) expresses the belief that these alabastra are of local manufacture at Ialysos, referring to their scarcity on other Rhodian sites. (A single

[24] These are exhibited in the Syracuse museum and may be found by reference to Libertini, *Guida del Regio Museo Archeologico di Siracusa* (1929), p. 75 (Sala XII, piccola vetrina d'angolo, iii° palchetto).

example has been found at Kameiros and fragments at Vroulià. *Cf.* Kinch, *Fouilles de Vroulià*, p. 153, fig. 50.)

Ephesus. *Cf. British Museum Excavations at Ephesus* (1908), Text, p. 224, Fig. 51, and p. 226, nos. 16, 17 (one complete, base of second). These are classified as 'Lesbian' bucchero, and come from the low level associated with Early Corinthian aryballoi and alabastra (*cf. ibid.* pp. 41 f.).

Syracuse. *E.g.* from Fusco cemetery, Tomb 24 (*Not. Scav.* 1893, p. 456), together with high-handled kantharoi as in Selinus Tomb 55, and an aryballos of 'bucchero bigio a vernice nera' (*cf.* below, p. 127, note 25). Many other examples from the Fusco cemetery exist, both published (though not illustrated) and unpublished, but exhibited in the Syracuse museum.

Megara Hyblaea. *Mon Ant.* vol. i, p. 803 (Tomb 14); *ibid.* p. 808 (Tomb 21); *ibid.* p. 819 (Tomb 29); *ibid.* p. 825 (Tomb 51); *ibid.* p. 858 (Tomb 149); *ibid.* p. 881 (Tomb 216).

Gela (Bitalemi). A single example, *Mon. Ant.* vol. xvii, p. 648.

Cumae. *Mon. Ant.* vol. xxii, pp. 293 f. The Stevens Collection contains a number of examples (one illustrated, *ibid.* fig. 113), but their tomb-provenance is unknown. The clay is dark grey.

Vetulonia. Several examples from the Tomba del Figulo (*Not. Scav.* 1894, p. 348) with exceptional decoration (see below, pp. 127 f.).

Orvieto. *Cf.* Montelius, *op. cit.* Pl. 242, no. 2 (not from a tomb group).

Cerveteri. Several examples (tomb-provenance unknown) are preserved in the Villa Giulia Museum, Rome. For another in the British Museum, *cf. British Museum Catalogue of Vases*, vol i, Part ii, H 125.

Populonia. *Not. Scav.* 1934, p. 362, fig. 13, together with Corinthian material, a kneeling figure, and bucchero, all comparable to that from Selinus Tomb 55.

Tarquinia. *Not. Scav.* 1930, p. 174, fig. 55 (top row). This is an unusually short specimen, measuring 14·5 cm. The excavator classes it with the bucchero, *ibid.* p. 175.

Chiusi. *Cf. British Museum Catalogue of Vases*, vol. i, Part ii, H 126.

All the examples cited seem, where information is available and to judge from the Corinthian pottery with which they were found, to belong to the last third of the seventh century B.C. (TR./E.C.) The example from Megara Hyblaea Tomb 21 (see list above) is probably the earliest, since this grave, a monolith sarcophagus containing a single burial, contained two Proto-

corinthian oinochoai and a Corinthian pyxis of the concave shape (for which *cf.* Payne, p. 292). The latest examples are probably those from the Tomba del Figulo at Vetulonia, which was remarkable for the number and variety of the small Corinthian plastic vases which it contained.

In the Etruscan tombs these long, black alabastra are of rare occurrence, whereas they occur in large numbers in Rhodes and in Sicily. Since vases of the same fabric, but of other shapes, mostly round aryballoi, but also small, pointed aryballoi of the well-known E.C. type and skyphoi of Rhodian shape, have a wide distribution in the Ægean area at the same period,[25] it seems probable that these long alabastra have an East Mediterranean origin. The shapes of the smaller black vases suggest either Rhodes or Corinth as the place of origin both for them and for the long alabastra, and it is possible that they were manufactured in both these regions, especially in view of the difference in clay observed above (p. 125).

In support of the suggestion of Rhodian manufacture may be cited an oinochoe of Rhodian shape in the British Museum,[26] which seems originally to have had normal Rhodian polychrome decoration, but was later covered entirely with a covering of dark varnish paint and polished to look like bucchero. A peculiar and very roughly made vase from Ialysos, presumably representing some internal organ, and from its general character extremely unlikely to have been imported, is made from the same dark grey ware with black surface resembling bucchero (*cf. Ialysos*, p. 62, fig. 53). Its date is fixed to the same period as our Selinus alabastra by the occurrence in the same grave (a single-burial one) of pointed Corinthian aryballoi and roughly made figurines closely resembling those of Selinus Tomb 27 (nos. 8–15 below).

As to the connection with Corinthian, this is further suggested by the occurrence of a Corinthian alabastron, with typical E.C. decoration of animals and bird-sphinxes in horizontal bands, but of the same shape and size (length 23 cm.) as the black alabastra, in a tomb at Megara Hyblaea together with one of the ordinary long black alabastra.[27] Other peculiar specimens suggesting a Corinthian origin occur in a tomb at Populonia,[28] and in the Tomba del Figulo at Vetulonia,[29] the first decorated with horizontal bands of dark,

[25] *Cf.* Furtwängler, *Aegina*, p. 478, n. 3, p. 448 (five small pointed aryballoi, a round aryballos and a miniature oinochoe, all classed as 'bucchero,' from the temple of Aphaia). Furtwängler, *ibid.* p. 477, says they are contemporary with Protocorinthian and (early) Corinthian, and cites parallels from the Argive Heraeum (*cf.* Waldstein, *Argive Heraeum*, vol. ii, p. 71), other sites in Aegina, Eleusis, Kameiros, also from Syracuse (*cf.* above, p. 126) and Gela. The same ware at Thera, here mainly represented by skyphoi of the well-known Theraean (or Rhodian?) type is associated with late Protocorinthian (cf. Pfuhl in *Ath. Mitt.* vol. xxviii, 1903, pp. 212, 213). For examples at Vroulià, *cf.* Kinch, *op. cit.* p. 138. Others were found at Sparta (*cf. B.S.A.* vol. xxxiv, 1933, p. 155, classed as 'dull greyish bucchero').

[26] A 634, 64.10.7. 1576. For information about this vase I am indebted to my colleague Mr. R. M. Cook, who drew my attention to it.

[27] *Cf. Mon. Ant.* vol. i, p. 881, Tomb 216.

[28] *Cf. Not. Scav.* 1934, p. 394, fig. 51 (broken off at neck).

[29] *Cf.* above, p. 126.

brownish-red paint over a cream slip, the second, of fine cream clay, having a brownish-red polished surface and remains of incised decoration, apparently rosettes.

In spite of the rarity of decorated Rhodian pottery at Selinus,[30] the dark grey clay of the long black alabastra from this site, suggests a Rhodian rather than a Corinthian origin.

C. Miscellaneous

8–15. (Pl. XVIII, B6.) Eight fragments of crude terracotta figurines, representing two horses, each with separately modelled rider (*cf. Ialysos*, p. 61, fig. 52), from Tomb 35, which also contained pointed aryballoi of Payne's late Protocorinthian type.)

16. Small bronze balls as in Tomb 55 (p. 123 above).

Chronology

That Tombs 27 and 55 are approximately contemporary is shown by the contents of another Selinus tomb (no. 34), which contains five bucchero kantharoi of the same type as those in Tomb 55 (one showing metallic glaze), Corinthian round aryballoi (one with quatrefoil pattern as in Tomb 55), five small Corinthian kotylai as in both tombs, one with frieze of running animals as in Tomb 55, no. 14, two small egg-shaped Corinthian alabastra, fragments of three or four black alabastra as in Tomb 27.

This conclusion is strengthened by a consideration of the following tombs from other sites. Ialysos, Tomb XLV (*Ialysos*, pp. 72 f.) contains as parallels to Selinus Tomb 27, two black-glaze alabastra like no. 7, and several E.C. alabastra of type similar to no. 1; and as parallels to Tomb 55 plastic vases of the same period as no. 24, a kotyle with decoration as no. 14, a Corinthian aryballos with figures of warriors similar to no. 5, and another with decoration of dancers and rosettes like no. 18. This is certainly a one-burial grave, containing the bones, burnt but still recognisable, of a young woman.[31]

Tomb 24 of the Fusco cemetery at Syracuse (*Not. Scav.* 1893, pp. 456 f.) contained as parallels to Selinus Tomb 27 three black-glaze alabastra, and as parallels to Selinus Tomb 55, five bucchero kantharoi. There is, however, no detailed description of the other pottery from this grave, which was for the most part in fragments.

Finally, the Tomba del Figulo at Vetulonia, a single-burial deposit (*cf.*

[30] *Cf. Mon. Ant.* vol. xxv, p. 537, n. 2. The explanation of its almost complete absence may be that the early colonists at Selinus found it too expensive.

[31] Jacopi asserts that this cemetery contains only single burials (*Ialysos*, p. 11).

Not. Scav. 1894, pp. 344 f.) contained as parallels to Selinus Tomb 27 several black alabastra, and as parallels to Tomb 55 a terracotta kneeling figure (a plastic vase), and Corinthian round aryballoi.

It follows with certainty that the Selinus Tombs 27 and 55 are contemporary with each other, and the parallels cited between these and tombs from other cemeteries containing more easily datable Corinthian material indicate an approximate dating to the E.C. period. But before we attempt to determine the date more precisely, it is necessary to dispose of a misunderstanding about the value of the Selinus tombs for dating purposes. Their value has been doubted on the ground that most of them have been used several times;[32] but in the Galera-Bagliazzo cemetery, with which we are here concerned, no such doubts are suggested by the excavator's account of the graves.

With the exception of a single small chamber tomb, the graves in this necropolis fall into three main classes, illustrations and detailed descriptions of which are to be found in Cavallari's article cited above (p. 115). The first type consists of a pair of *loculi* each 1·90 metres long, 0·80 metre wide, 0·60 metre deep[33] (internal measurements), built of squared blocks of stone, and separated by a party wall of the same masonry, the two graves both being covered by five large slabs of stone placed transversely.

The second type[34] is also a pair of *loculi*, of similar construction to the first type except that the party wall is straight but the outer side walls bent inwards to form an obtuse angle at their middle points. The third type[35] consists of two similarly constructed *loculi*, but one above the other, the lower being much shallower than the upper, and communicating with it by a circular hole in the middle of its stone floor. The lower chamber was always empty, both skeleton and grave-furniture being found in the upper. The skeletons in these graves were always better preserved than in the other types described, and Cavallari thought that the purpose of this arrangement was to keep the actual grave dry and so arrest decay. A very similar type of double grave, also intended for one burial only, is the normal one in the Fusco cemetery at Syracuse.[36]

Unfortunately, it seems no longer possible to discover whether the numbers of the Selinus tombs, as preserved in the Palermo museum, refer in each case to a single grave or to both graves of a pair; but it is safe to say that where a pair of graves is involved, these were burials of two members of a single family, presumably in most cases a husband and wife, and would therefore be close

[32] Payne, p. 26, n. 1.

[33] This corresponds to type 7 in Cavallari's description (*op. cit.* pp. 11 f., and Tav. 3), which includes an account of the graves in the later cemetery also. Cavallari's type 10 is really a very slight variation from this, the difference being that the *loculi* are slightly narrower and the walls thinner.

[34] Cavallari's type 8.

[35] Cavallari's type 9.

[36] *Cf. Not. Scav.* 1893, p. 448, and fig. on p. 454.

together in date. The small number of objects from Tomb 27 strongly suggests that this was a single-burial grave: the greater number from Tomb 55 might indicate a pair of burials, but the single-burial graves of the Ialysos cemetery, with their great quantity of tomb-furniture, show that this is not a necessary inference.[37] Moreover, the presence of the bronze hooks and rosettes and the iron cramp in Tomb 55 suggests that the body was laid either on a wooden bed or in a coffin, as in the Syracusan graves corresponding to our type 3.[38] This would be impossible on account of their shape in our double graves of type 2, and is unlikely in the double graves of type 1, which both from their construction and from their dimensions appear to have been intended to take the place of monolith sarcophagi such as are found in the Fusco cemetery at Syracuse, always without traces of coffins or beds.[39] The conclusion is that Tomb 27 certainly, and Tomb 55 probably, were single burials; but allowance must be made for the possibility that an interval of fifteen years or so elapsed between the burying of the earlier and the later objects in Tomb 55. If this was so, Tomb 27 must be regarded as contemporary with the earlier rather than with the later group.

It remains to attempt a more precise dating of the two tombs. A consideration of the parallels cited from Payne and other authorities to the objects in them will show that some of them may be of the Corinthian Transitional period, most are definitely of the Early Corinthian period or the corresponding Laconian II, and only those which can be shown to be types of long duration, as, for instance, the quatrefoil aryballos, are known best from examples of the Middle Corinthian period. Payne commits himself to the view[40] that on general grounds the last ten or fifteen years of the seventh century, some fifteen years after the foundation of Selinus, are a probable date for the earliest vases from the site. It seems clear therefore that he would have classed the material from these tombs among the earliest from Selinus, and from detailed comparison with Corinthian pottery from elsewhere, nearer 615 than 600 B.C.

But it is important to remember that the positive dating, not only for this, but for all other Corinthian pottery, rests on no other basis than an assessment of probabilities about the date of the earliest material from Selinus itself, on the assumption that Thucydides' date (soon after 630 B.C.) for the foundation of the colony is correct.[41] The same criterion is also adopted for the dating of Rhodian pottery;[42] moreover, the absolute chronology thus built up for two

[37] *Cf. Ialysos*, p. 11.
[38] *Cf. Not. Scav.* 1893, p. 448.
[39] *Cf. ibid., loc. cit.*
[40] *Op. cit.* p. 23.
[41] *Cf.* Payne, p. 22, n. 5. In his chronology of Corinthian pottery (as in that of Rumpf, see n. 42 below) this date is expressed in round terms as 625 B.C.
[42] *Cf.* Rumpf in *Jahrb. d. Inst.* 48 (1933), p. 62, 'In dem um 625 gegründeten Selinus ist von der Kameirosgattung nur ein spätes Stück.' He therefore accepts 625 B.C. as the date for the earliest 'Euphorbos' type.

important classes of pottery is used in its turn to test the relation of the earliest finds on any site to the dates given by the literary authorities for its foundation as a colony.[43] It seems desirable, therefore, to consider the whole basis of the system afresh from its logical and from its purely historical aspects.

From the logical point of view, there is a contradiction between the dating of the beginning of Corinthian pottery to 625 B.C. on the basis of the foundation date of Selinus and the statement that none of the vases actually found on the site, either in the tombs or in the temple of Demeter Malophoros, which has been thoroughly excavated and is astonishingly rich in pottery of all kinds and all periods,[44] are earlier than the last ten or fifteen years of the seventh century. Here are two horns of a dilemma: either we must date the latest true Protocorinthian and the earliest Corinthian to 615 B.C. instead of 625 B.C., or we must assign the earliest pottery found on the site, of which the contents of Tombs 55 and 27 are typical, to about the same date as the foundation of the colony. In either case it seems to follow that fine and debased examples, full-sized and miniature vases, were produced at the same period. If we prefer the first horn, and assign the earliest Corinthian to 615 B.C., Payne's relative chronology, which is based upon manifold considerations of style and fabric independent of traditional dating, would be seriously disturbed. Few archaeologists would be willing to accept such a proposal.

We are left then with the alternative that our tombs should be dated to about the same time as the foundation of the colony,[45] and this conclusion, contrary to the view expressed by Payne and others,[46] is supported by general probability and by historical considerations.

It is true that if the official founding of a Greek colony represented the first arrival of Greek settlers upon the site, and if the settlement were effected without opposition from the natives, one would not expect to find large numbers of graves going back to the very first years of the colony.

But in the seventh century B.C., when Greek colonies were being planted among barbarians, as at Selinus, it is most unlikely that these two conditions were ever fulfilled at once: either there must be a period of preliminary investigation and treating with the natives, a tentative settlement, or there must be opposition in which many of the intending colonists would be killed as they were in the many attempts of the Athenians to settle Ennea Hodoi. This is not only probable in itself, in view of the history of modern colonisation in the sixteenth and seventeenth centuries, but receives support from the accounts

[43] *Cf.*, for example, Byvanck's recent article in *Mnemosyne* IV, iii, 1937 (*Untersuchungen zur Chronologie der Funde in Italien aus den VIII und VII vorchristlichen Jahrhundert*).

[44] *Cf. Mon. Ant.* vol. xxxii.

[45] Allowing, however, for the possibility that Tomb 55 is a double grave, but closely related in date. *Cf.* above, pp. 129 f.

[46] Most recently by Byvanck, *op. cit.* p. 224.

in our ancient authorities of the history of the foundations of more than one Greek colony, of which the best known are Cyrene and Naucratis. In both these cases at least two generations were spent in preliminary settlement by a small band of colonists—in the Nile Delta originally employed as mercenaries—who had to move their site at least once.[46a] The final foundation of the colony only occurred with the acquisition of land to provide a permanent home for a much larger number of colonists, at Cyrene through the battle of Irasa[47] about 580 B.C., at Naucratis through the grant of land by King Amasis.[48] It is obvious to any student of Greek city constitutions that this stage in the history of the foundation of a colony was the final one and that this date, which transformed the settlers from mere κατοικοῦντες to landowners and consequently their settlement from an unorganised κατοικία to a full-blown πόλις, was the one to be officially recorded in the annals of the new city. On the other hand, an earlier date, recalling the earlier stages of settlement, might also be unofficially transmitted to posterity through a local patriotism seeking to stress the antiquity of the settlement. In the cases where an earlier dating has been so preserved as well as the later, the earlier date is not likely to be very accurate, but does not by its mere existence in the accounts invalidate the date of the final settlement. In the case of Selinus, with which we are here particularly concerned, the date of the final settlement is fixed by Thucydides in relation to the expulsion of the colonists from Megara Hyblaea by Gelon of Syracuse, to within the years 629–626 B.C.,[49] but the preservation of a date some twenty years earlier by Diodorus[50] points to the supposition that at Selinus, as at Naucratis and Cyrene, and also at the mother-colony Megara Hyblaea, there was also a period of preliminary settlement.

Returning now to the question of the chronological relation of the earliest finds from the sites to the foundation-dates, we must admit that there can be no general rule applicable to all cases. If conditions of trade were favourable, either through the friendship of a native king (as in the Nile Delta) or for other reasons, large quantities of Greek pottery would be likely to be imported through the Greek settlers, into an almost purely native area, and also to be placed in native tombs, during the period preceding the final foundation of a colony. On the other hand, where the natives were hostile and there was no friendly native king to assist them, the mere handful of Greek colonists[51] dur-

[46a] *Cf.* Strabo. xvii, 18 (101); Hdt. ii, 152.

[47] Hdt. iv, 159.

[48] Hdt. ii, 178.

[49] *Cf.* Busolt, *Griech. Gesch.*[2], vol. i, p. 385, n. 2; p. 416, n. 3. Busolt is, however, wrong in asserting that Thucydides is using dates approximate only to five or ten years in this passage on the Sicilian colonies; for in vi, 4. 4, he says that Gela founded Akragas 'as nearly as possible 108 years after her own foundation.'

[50] xiii, 59.

[51] Thus the original number of colonists to Cyrene was contained in two 'penteconters' (Hdt. iv, 153) and was not increased until after 56 years (*ibid.* iv, 159).

ing their period of preliminary settlement would not bring in more Greek pottery than would suffice for their own immediate needs.

Selinus belongs to the second category. In close proximity to the barbarous and hostile Elymi, and in a corner of Sicily where the Phoenicians, through their colony at Motya, had already established a monopoly of foreign trade, the settlers at Selinus had no chance of making headway until a considerable number of Greek colonists could be brought in and permanently settled on their own land. It is also very unlikely that at Selinus this final settlement was achieved without considerable bloodshed, and for this reason, as well as from the probability that the earlier settlers were already advanced in years when the colony was officially founded, there is no need to date the earliest Greek tombs at Selinus, even though they are numerous, much if any later than the final foundation of the colony.

With regard to the foundation of temples, it has been suggested by Payne, who accepts Thucydides' date of about 630 B.C. for the founding of the colony, that the temple of Demeter Malophoros at Selinus, the earliest pottery from which is contemporary with the contents of the earliest tombs, would not be likely to be built until about 615 B.C. at the earliest. He bases this assumption on the position of the temple, which lies some distance[52] to the west of the town, on the other side of the river. But this argument is fallacious, for the establishment of a new Greek city, with its accompanying distribution of land to all the new citizens, involved the dividing up of all the territory of the city into lots,[53] among which provision had to be made not only for private, but for public and for sacred land-lots (τεμένη) as well.[54] The inscription relating to the Athenian foundation of Brea provides an example of this immediate provision for temples; in fact, it is there stated that no new τεμένη shall be made after the first division.[55] An earlier instance is the building of an altar of Apollo Archegetes ἔξω τῆς πόλεως by the colonists at Naxos in Sicily at the time of the foundation of the colony.[56] The immediate building of a temple in each τέμενος was of course not necessary: offerings could equally well be made at an altar, as was done in the sanctuary of Artemis Orthia at Sparta in the earliest period. It is now in fact known, as a result of excavations inside the sacred area of the temple of Demeter Malophoros at Selinus, that this is precisely what occurred here. The lowest stratum of the votive deposit, containing burnt animal bones as well as vast quantities of miniature Corinthian vases and other

[52] But not much more than half a kilometre away.

[53] *Cf.* Dittenberger, *Syll.*[3] no. 141 (colony of the Issaeans in Corcyra Nigra, early fourth century B.C.). But the procedure was much more ancient: *cf. Od.* vi, 9 f., on the founding of the city of the Phaeacians.

[54] *Cf.* Aristotle, *Pol.* ii, 8. 1. (Bekker) (the scheme of Hippodamus of Miletus) and *ibid.* vii, 10. 9 (Aristotle's own scheme).

[55] Ditt. *Syll.*[3] 67. τὰ δὲ τεμένε τὰ ἐχσειρεμένα ἐᾶν καθάπερ ἔστι, καὶ ἄλλα μὲ τεμενίζεν.

[56] Thuc. vi, 3. 1.

objects of the same general character as in Tombs 27 and 55, was found all over the area occupied by the earliest Megaron, at the level of the bottom of its foundation walls, and was well marked off from the later deposits, belonging to the period of the Megaron itself and later, by a thick layer of beaten sand. Gabrici has drawn the conclusion that before the construction of any building on the site the cult was carried on and offerings made in the open air around an altar, of which he has also found conspicuous remains.[57] There is, therefore, no evidence against the conclusion that the earliest pottery dedicated in the τέμενος of the Malophoros temple represents the dedications made from the beginning of the official founding of the city, and since the goddess of corn and fruit was one whom the settlers in a primarily agricultural colony—as this must have been[58]—would be particularly anxious to propitiate, it is extremely likely that the earliest stratum of deposit here goes back to the first years of the colony.

A final word is necessary about the acceptability of Thucydides' date (soon after 630 B.C.) for the foundation of Selinus. Thucydides probably took his information from Antiochus of Syracuse, to judge from his reckoning of all Sicilian colonisation dates from events in Syracusan history. But Antiochus was Thucydides' own contemporary, and his authority in itself carries the tradition no further back. The opinion has been expressed that no reckoning beyond a rough-and-ready one by generations can have been kept in the various colonies to record their foundation dates.[59] But reflection shows this view to be mistaken. As already pointed out, the real colonisation was marked by the grant of land to large numbers of new settlers, and to the various temples. Both private citizens and temples would require a legal guarantee of their tenure, and abundant epigraphic material and the evidence of Theophrastus exists to show that it was the normal procedure in all Greek cities to keep careful records of all transactions in real property, which were dated by the office of some annual magistrate, whether the eponymous magistrate of the city or the official, such as the astynomos, specially appointed for this particular purpose.[60] This applied equally in democratic and in oligarchical states, and many instances have been preserved of records engraved in stone both in long lists and separately. And although we cannot suppose for the seventh century B.C. a legal machinery and provision for the recording of documents comparable to that of the fourth century B.C. and later, the universal system of

[57] *Cf. Mon. Ant.* vol. xxxii, p. 126.

[58] *Cf.* coins of Selinus with ear of corn in the exergue (Head, *Historia Numorum*,[2] p. 169). The meaning of this symbol is clear from its appearance on the coins of many other corn-producing states of Sicily and South Italy.

[59] Byvanck, *op. cit.* p. 189 (in agreement with Pais and Pareti).

[60] Dareste-Haussoulier-Reinach, *Inscriptions Juridiques Grecques*, vol. i, fasc. i (1891), pp. 104 f.

the leasing of temple and public lands to individuals for a term of years [61] must have existed from the time when colonies were first founded, since there was no other possible means of ensuring their cultivation. The fact that no documents of so early a date have been preserved does not mean that none existed, but that they were written on more perishable material than stone. If they were inscribed on wood, like Solon's laws at Athens, there is no reason why they should not have lasted for at least two hundred years, to provide evidence of the foundation date of Selinus for the contemporaries of Thucydides.

It is true that if the original oligarchical constitution, with its system of land-lots for all citizens, broke down—and we know nothing of the constitution of Selinus except that a tyrant was in power in the late sixth century—real property in private ownership would change hands very quickly, and it would cease to be in the interest of any but a very few to preserve the records of the original concession of land. But with the temples it was very different, for these retained their property indefinitely, and might at any time be called on to defend their title, as happened to the temples of Dionysus and of Athena Polias at Heraclea in South Italy in the fourth century B.C.,[62] when they were able to recover their lands on legal grounds from the wrongful occupiers. It was never in the interest of tyrants to interfere with temples; in fact their careful regard for them is notorious. Hence it is practically certain that in most Greek colonies most of the temples, if not all, kept their foundation deeds. But further, proof of priority of title, which in imaginable circumstances might be necessary, or of the expiration of a lease, could only be obtained if a list of eponymous officials was publicly preserved. Thus there were lists of the Archons at Athens, and of the priestesses of Hera at Argos; and the lists of the *Molpoi* at Miletus from 525 B.C. to the Roman period are actually preserved in inscriptions on the walls of the neighbouring temple of Apollo Delphinios.[63] These cannot be isolated examples, and the history of Athens shows that such lists, going back at least to the time of Solon, were used by historians for chronological purposes. Consequently it would be easy for Antiochus of Syracuse to find out the date of the official foundation of his own and other Sicilian colonies, and the modern scepticism regarding these foundation dates may be seen to be unfounded. In the case of Greek colonies elsewhere, the reliability of the foundation date must also depend upon the later history of the city in question, the official records of which—inscriptions and the like—might be destroyed by invaders, and upon the trustworthiness of

[61] *Cf.* Dareste-Haussoullier, I, ii (1892), pp. 267 f.
[62] Dareste-Haussoullier, I, ii (1892), p. 193–234.
[63] *Cf.* Kawerau-Rehm, *Milet*, Bd. III (Das Delphinion).

the literary authority or authorities responsible for the transmission of the date to posterity.[64]

* * * * *

The general conclusions which may be drawn from the study of these early tombs at Selinus are several. They illustrate by the prevalence of miniature vases and vases of poor quality the comparative poverty of the early colonists; they give an indication of commercial relations, and suggest, by the general resemblance of the material to that in the Rhodian graves of the same period, and despite the absence of the decorated Rhodian pottery, a close commercial connection with Rhodes. Finally, these graves have made it possible to establish a precise dating for various classes of common pottery which may be used in their turn to date Etruscan and late Villanovan graves in which no decorated Greek pottery is found.

K. M. T. Atkinson

[64] Antiochus of Syracuse, whose history of Sicily ended with the year 424 B.C. and is used as a source by Thucydides, is likely to have obtained his information about the foundation of Selinus before the destruction of that city by the Carthaginians in 409 B.C.

THE PONS SVBLICIVS AND THE INSVLA TIBERINA

THE position of the Sublician Bridge and its relation to the Island of the Tiber are vexed questions in Roman topography. The discussion which follows is the result of a re-examination of the existing evidence during a short period of topographical study at Rome.[1]

THE TRADITIONS OF THE REGAL PERIOD

According to the narrative of Livy, the Pons Sublicius, the first bridge across the river, was built by Ancus Marcius, and its *raison d'être* was to establish communication with the Janiculum, which (if Livy's words are taken at their face value) was also included within the city-walls, although this is before the time of the Servian Wall.[2] Dionysius of Halicarnassus gives what seems a more reasonable version of the Janiculum story.[3] Ancus fortified (ἐτείχισε) it, and put in a garrison (ἀσφαλείας ἕνεκα τῶν διὰ τοῦ ποταμοῦ πλεόντων, ἐλῄστευον γὰρ οἱ Τυρρηνοὶ τοὺς ἐμπόρους, ἅπασαν κατέχοντες τὴν ἐπέκεινα τοῦ ποταμοῦ χώραν), and built the bridge. Here we have no reference to a city-wall. Dionysius' phrase, ἀσφαλείας ἕνεκα κ.τ.λ., connects the Janiculum fort with the protection of river traffic, while Livy's 'ob commoditatem itineris' refers to the crossing of the Tiber by bridge. Possibly both writers drew from the same source, but one may have misunderstood his authority. Dionysius adds that the bridge was made of wood without bronze or iron, ἣν ἄχρι τοῦ πάροντος διαφυλάττουσιν ἱερὰν εἶναι νομίζοντες,[4] and that it was repaired, when necessary, to the accompaniment of sacred ritual and sacrifice. Livy (i, 44), after stating that Servius Tullius added the Quirinal, Viminal and Esquiline to the city, continues, 'aggere et fossis et muro circumdat urbem.' A late authority[5] tells us that Ancus added the Janiculum *urbi*, and '*nova* (sic) moenia *oppido* circumdedit.'

[1] I am much indebted to Mr. I. A. Richmond and Mr. C. G. Hardie, former Directors of the British School at Rome, for the time they have given not only to reading the paper, but to very full and helpful criticism of various points.

[2] Livy, i, 35, 'id non muro solum, sed etiam ob commoditatem itineris ponte sublicio tum primum in Tiberi facto, coniungi urbi placuit,' *vide* also Plut. *Numa*, 9. Richter, *Die Befestigung des Janiculum*, has a detailed consideration of the question, *vide* especially pp. 4, 5, 11, 22. My paper was written in essentials before I read this pamphlet, and various minor points in which we agree are undesigned coincidences. Throughout I have used Besnier, *L'île tiberine*, as a guide to various sources of information.

[3] *Ant. Rom.* iii, 45.

[4] See also v, 24, and ix, 68. 2. Dionysius came to Rome in 30 B.C. and published his 'Ρωμαϊκὴ Ἀρχαιολογία in 7 B.C. This passage (iii, 45) and that in v, 24 remarking of the bridge, καὶ μέχρις ἐμοῦ τοιαύτην (sc. ξυλόφρακτον) φυλάττουσι Ῥωμαῖοι, form part of the argument, which to me seems conclusive, against the view that the (stone) Aemilian bridge in the second century B.C. was built on the actual line of the Sublician bridge, and took its place. *vide infra*, p. 140.

[5] *De vir. ill.* 5.

Thus we gather from these sources that in the period of the Kings, according to tradition, the Janiculum was fortified, and a wooden bridge was built on piles over the Tiber, in connexion with this fortification.

The Early Republic

Although the consuls, according to Dionysius, strengthened the Janiculum ὀχυρωτέραις κατασκευαῖς τε καὶ φυλακαῖς, Porsenna, as he marched on the city, took it ἐξ ἐφοδοῦ. The people fled into the city: 'alia muris alia Tiberi obiecto videbantur tuta: pons sublicius iter paene hostibus dedit.' [6] This suggests that the Pons Sublicius led directly into the settlement, as does Horatius' argument 'si transitum pontem tergo reliquissent iam plus hostium in Palatio Capitolioque quam in Ianiculo fore.' So also does Dionysius' remark [7] that the city was nearly taken, ἀτείχιστος οὖσα ἐκ τῶν παρὰ τὸν ποταμὸν μερῶν. Yet, in spite of Cocles' defence and the breaking down of the bridge, the enemy were still able to cross, σκεδίαις τε καὶ σκάφαις, to the left bank, where they established an advance camp. Mucius, too, crosses from Rome to the main Etruscan camp.[8]

Livy relates (ii. 11) that the cattle were brought *in urbem* and not kept *extra portas*, owing to the constant presence of Etruscan soldiers who had crossed the river to plunder. As the Esquiline Gate is here described as *aversissima ab hoste*, the Etruscans must have been mainly on the ground near the river. Yet no such immediate danger threatened the Capitol and Palatine as would have threatened (according to Horatius) had the bridge been captured. In the tradition accepted by Livy did some defence (wall or earthwork) run from the foot of the Capitol to the river-bank above the bridge?

There is, however, one geōgraphical feature of the Tiber in its course between the Janiculum and Rome which in the accounts of both historians is conspicuous by its absence, and yet which leaps to the eye of every passer-by, walking along either bank of the river. Where was the Island of the Tiber when Ancus built the Pons Sublicius? Where, again, was it when Porsenna and the Tarquins threatened Rome? Livy [9] and Dionysius [10] give the same answer to these questions. The Island did not exist in the time of the Kings. It was just coming into being in the days of the early Republic. After the land of the Tarquins outside Rome had been consecrated to Mars and had become the Campus Martius, the corn upon it, 'quia religiosum erat consumere,' was reaped, put into baskets and thrown 'in Tiberim tenui fluitantem aqua, ut mediis caloribus solet. Ita in vadis haesitantes frumenti acervos sedisse inlitos

[6] Livy, ii, 10, and Dion. Hal. v, 22 and 23.
[7] v, 23. 2.
[8] v, 27 *sqq.* and v, 33, also v, 26, and Livy ii, 11.
[9] ii, 5.
[10] v, 13.

limo: insulam inde paulatim, et aliis quae fert temere flumen eodem invectis, factam; postea credo additas moles manuque adiutum, ut tam eminens area firmaque templis quoque ac porticibus sustinendis esset.' The addendum shows that Livy was not altogether happy about the legend. Dionysius gives much the same account.

Plutarch [11] rationalises the story somewhat by adding that the trees on the consecrated land were also cut and thrown into the river, so that the whole mass formed a kind of dam, which, with the accumulation of mud and debris, grew into the Island; ἔχει δὲ ναοὺς Θεῶν καὶ περιπάτους, καλεῖται δὲ φωνῇ τῇ Λατίνων, Μέση δυοῖν γεφυρῶν.

The traditional story of Porsenna and Horatius is a straightforward narrative. The Pons Sublicius connected the right bank of the river and the Janiculum with the left bank and the city, at some point near the Forum Boarium. As soon as the Janiculum fell into the enemy's hands, the bridge, and with it the whole city, was endangered, and its destruction was a necessary measure of defence. No Island is mentioned, because no Island then existed. But the Island cannot have sprung into being at the end of the sixth century B.C. Its foundations are an outcrop of the same system of rock as the Capitol, and though Nature and man in the last 2500 years have modified or altered its shape and size, yet the Island must have been there, before the events recorded by Livy and Dionysius, and yet plays no part in the story.

If it was under the control of the Romans, and it must have been, if the Janiculum was in their hands, it is strange that in constructing their first bridge they made no use of 'der natürliche Brückenpfeiler,' as Mommsen terms the Island.[12] On the other hand, if the Island were not under their control, why was the river-bank left undefended in front of the city,[13] and why (according to tradition) did the early Kings extend their hold over the Janiculum and neglect the Island?

In the search for some reasonable solution of these problems, we have to consider: (1) what clues to the position of the Pons Sublicius are given by allusions to it or to the Island, in other classical writers; (2) what was its relation to, or possible identification with, other known bridges; (3) how did Livy and Dionysius conceive of its position in relation to the 'Servian' wall?—a query which, in its turn, raises questions about the course of the wall; and (4) whether the fragments of the Marble Plan and the two well-known medallions of Antoninus Pius which show, respectively, the story of Horatius Cocles and the arrival of the Serpent of Aesculapius, can give us any information.

[11] *Poplic.* 8.

[12] *Berichte d. Sächs. Ges. d. Wissenschaften*, 1850. Epigraphische Analekten, 323. Contrast the great bridge of Augusta Emerita (Mérida) in Spain which crosses the river Guadiana over the island opposite the town. (I. A Richmond, *Archaeological Journal*, 87, 1930, 104–105.)

[13] ἀτείχιστος οὖσα ἐκ τῶν παρὰ τὸν ποταμὸν μερῶν. Dion. Hal. v, 23.

Views of Modern Topographers

First, however, it may clear the ground to set out the conclusions of modern topographers as to the position of the Pons Sublicius. Omitting various eccentricities, they fall into two main groups. What may be termed the 'orthodox' school holds that the bridge was entirely unconnected with the Island and was situated some way down stream. 'The strongest evidence indicates that it crossed to the Forum Boarium just below the later Pons Aemilius, the only point where its approach would have been protected by the original city-wall; [14] and in this case it would have been built in the slack water below the Island where the original ford was probably situated.' [15] The Pons Aemilius is usually identified with the existing (ruined) Ponte Rotto, and by some the Aemilius is supposed to have actually taken the place of the wooden bridge on the same site; but, although this view has now the support of Dr. Saeflund,[16] the evidence against it seems almost decisive.[17]

The other theory, unable to ignore the Island, holds that the Pons Sublicius crossed it, at some point variously defined. This view has had some weighty supporters, including Mommsen and Jordan,[18] and in most cases carries with it the assumption that the bridge-head on the left bank lay outside the city-wall, though near one of the gates, usually identified as the Porta Flumentana. It may be added that several topographers, while not excluding the religious and primitive significance of a bridge-construction without iron or bronze nails or bolts, believe that it also had a military purpose—to facilitate its rapid destruction in case of an attack from the right bank.[19]

Literary and Documentary Evidence

The institution of pontifices must go back to very early and pre-Roman times—even in tradition it is attributed to Numa the Sabine, and the bridge to

[14] This statement, published before the researches of Dr. von Gerkan and Dr. Saeflund, assumes that the wall, or branches from it, came down to the Tiber-bank. On this point *vide infra*, pp. 146–147.

[15] Platner-Ashby, *Top. Dict. s.v.* 'Pons Sublicius.' In contrast to this theory of the 'original ford,' Jordan thinks that the river-bank between Capitol and Aventine was protected by the 'breite reissende und selbst in der Zeit des niedrigsten Wasserstande strudelreiche Fluss' (*Topog.* i, 236); *cf.* Dionysius' account, ix, 68. 2, τὰ δ'ὑπὸ τοῦ Τεβέριος τετειχισμένα ποταμοῦ . . . τὸ δὲ ῥεῦμα ὥσπερ τι καὶ ἄλλο ὄξυ καὶ δίνας ἐργαζόμενον μεγάλας· ὃν οὐκ ἔνεστι πεζοῖς διελθεῖν, εἰ μὴ κατὰ γέφυραν.

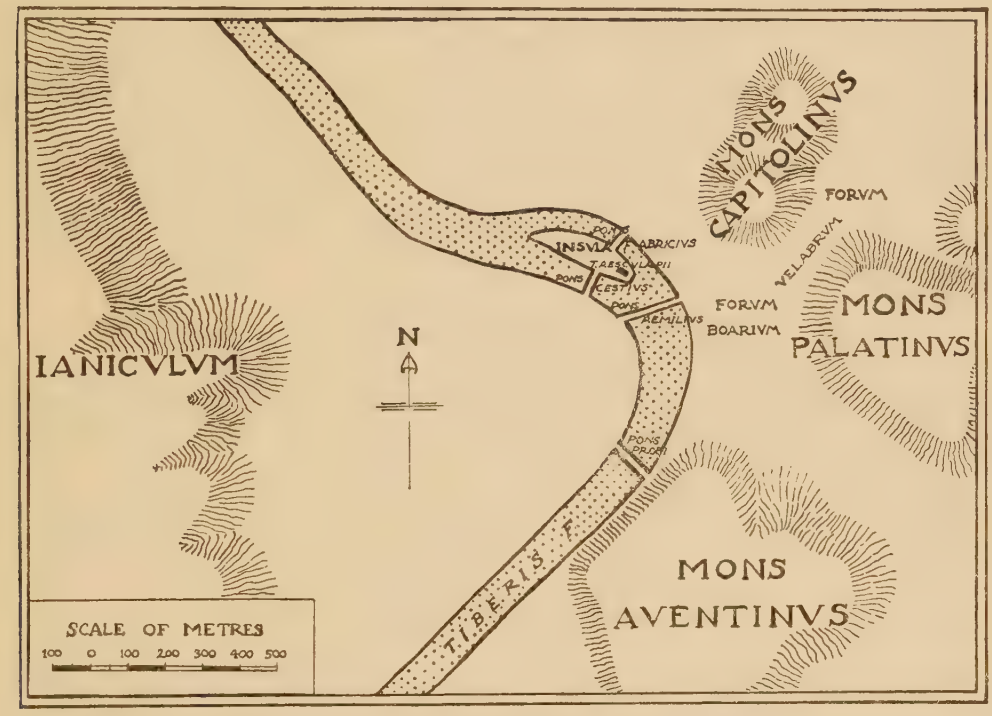
[16] Saeflund, *Le Mura di Roma Repubblicana*, 189, 'il Ponte Rotto (Emilio-Sublicio),' 183, n. 1, and 188.

[17] It seems to be founded on Servius *in Aen.* 8. 646, 'per sublicium pontem hoc est ligneum qui nunc lapideus dicitur,' which is generally considered a late and erroneous addition, *cf.* Aethicus in *Pomponius Mela*, p. 716 (ed. Gronovius), 'per pontem Lepidi qui nunc abusive a plebe lapideus dicitur' (*vide infra*, pp. 144, 151). Ovid, *Fasti*, v, 622, writes of 'roboreus pons' more than a century after the completion of the Aemilius; and *Hist. Aug.* Ant. Pius 8 records a restoration of the Sublician bridge by that Emperor. See also *supra*, p. 137, n. 4.

[18] Mommsen, however, believed that the walls reached the Tiber *above* the Island. Mommsen, *Berichte d. Sächs. Ges. d. Wiss.* Leipzig, 1850, 320–326, and *Hist.* (Eng. trans.) i, 65. Jordan, *Comment. in hon. Th. Mommseni* (1877), 366, and *Topog.* i, 401 (ii, 632, is Huelsen's view). Both Mommsen and Jordan are inclined to place the bridge across the centre of the Island.

[19] *Cf.* Dion. Hal. *Ant. Rom.* iii, 45, v, 24, ix, 68 (ἦν ἔλυον ἐν τοῖς πολέμοις). Richter, for example (*Die Befestigung des Janiculum*, 14–15), uses this as an argument for his view that the Janiculum was unfortified till the later Republic. A fort would be needed to protect the crossing only in the case of a permanent stone bridge. In the tradition, however, Ancus Martius built both the Sublician bridge and the Janiculum fort. For the religious motive, *vide* Frazer, *The Fasti of Ovid*, iv, 95.

the later Ancus, yet to some Roman antiquarians, the existence of *pontifices* implied the existence of a *pons*. So Varro [20] says, 'Pontifices . . . ego a ponte arbitror: nam ab his sublicius est factus primum,' and Servius [21] carries the tradition further back: 'ex qua etiam causa pontifices a ponte sublicio, qui primus Tybri impositus est, appellatos tradunt, sicut Saliorum carmina loquuntur.' The verses have not survived, but the allusion helps to confirm the tradition of the great antiquity of the bridge. Chronologically, the next witness to the position of the bridge is Polybius,[22] who in his version of the



THE ISLAND, BRIDGES AND ADJACENT HILLS (after Huelsen).

story of Horatius says κεῖται πρὸ τῆς πόλεως, a remark which has been taken by advocates of both theories as confirming their own thesis. After this comes the story of Gaius Gracchus' flight and death in 121 B.C. It is told by several authorities, none of them, however, at all near to the date of the events.[23] The main points are summarised in *de vir. ill*: 'Armata familia Aventinum occupavit; ubi ab Opimio victus, dum a templo Lunae desilit, talum intorsit et Pomponio amico apud Portam Trigeminam, P. Laetorio in ponte sublicio persequentibus resistente in lucum Furinae per-

[20] Varro, *L.L.* v, 83. Plutarch, however (*Numa*, 9), considers the etymology γελώμενον.

[21] Servius *in Aen.* ii, 166.

[22] vi, 55.

[23] Appian, *Bell. Civ.* i, 26, 117; Plut. *C. Gracch.* 17; Val. Max. iv, 5, 2; Vell. Pat. 11, 6; Orosius, v, 12; *de vir. ill.* 65.

venit.' The temple of Luna is placed by topographers on the extreme northern point of the hill just above the probable site of the Porta Trigemina.[24] The Lucus Furinae, or more correctly Furrinae, was discovered in 1907 on the south side of the Janiculum in the grounds of the Villa Sciarra (or Wurts).[25] It is thus a reasonable inference that the bridge crossed the Tiber somewhere above the Porta Trigemina; and in fact this at least is assumed by nearly all modern topographers.

We pass on to Ovid. In *Fasti* vi, 477, he writes of the Forum Boarium—

> Pontibus et magno iuncta est celeberrima Circo
> Area quae posito de bove nomen habet.

Sir James Frazer [26] identifies the bridges as the Sublicius and the Aemilius, the latter being the first stone bridge across the Tiber, now represented by the remains of the Ponte Rotto. Others take the 'pontibus' as the first bridge from the left bank to the Island (Pons Fabricius, 62 B.C.), which, however, leads to the Forum Holitorium, and the Aemilius. The other reference is clearly to the Pons Sublicius:

> Tum quoque priscorum virgo simulacra virorum
> Mittere roboreo scirpea ponte solet,[27]

from which it is obvious that the Pons Sublicius was standing in A.D. 7, the year of Ovid's banishment, at which time, he tells us, he had written the *Fasti*.[28]

As to the Island, in telling the story of the Serpent of Aesculapius, he thus describes it.[29]

> Scinditur in geminas partes circumfluus amnis,
> Insula nomen habet, laterumque e parte duorum
> Porrigit aequales media tellure lacertos.

Amnis is usually taken as the subject of *porrigit*. It seems to me more probable that *insula* is the subject and *lacertos* a 'conceit' of Ovid to describe the *duo pontes* which join it to either bank. Elsewhere [30] Ovid writes of January 1—

> Sacravere patres hac duo templa die.
> Accepit Phoebo nymphaque Coronide natum
> Insula, dividua quam premit amnis aqua.
> Iuppiter in parte est: cepit locus unus utrumque,
> Iunctaque sunt magno templa nepotis avo.

[24] Platner-Ashby, *Top. Dict. s.v.* 'Lunae aedes.'

[25] Huelsen in *Röm. Mitt.* 1907, 227; *Mélanges*, xxviii (1908), 283, and xxix (1909); *Bull. Com. Arch.* xxv (1907), 45 ff.

[26] Frazer, *Fasti*, iv, 276.

[27] *Fasti*, v, 621–622; *cf.* Plut. *Quaest. Rom.* 32 Διὰ τί . . . ἀπὸ τῆς ξυλίνης γεφύρας εἴδωλα ῥίπτοντες κ.τ.λ.

[28] *Tristia*, ii, 549–552; *cf.* Frazer, vol. i. introd. p. XV.

[29] *Met.* xv, 739–741. 'Insula nomen habet' can have two possible meanings. (1) 'It has the name Island,' *i.e.* is the Island *par excellence*, *cf.* Platner-Ashby, *Top. Dict. s.v.* 'Insula Tiberina,' 'It was often called simply Island.' (2) 'The Island has a name,' which Ovid cannot express in metre, *i.e. inter duos pontes*. I prefer (1), as all the references which indubitably apply *inter duos pontes* to the Island are much later than Ovid.

[30] *Fasti*, i, 290–294.

To these temples of Aesculapius and 'Jupiter' we must return again. Here we may note that these two passages of Ovid, with the account in Livy, ii, 5, are apparently the first mention in extant Roman literature of the Island. In fact, the references throughout are singularly scanty. We have the story of the serpent of Aesculapius, who in 291 B.C. returned with the embassy sent to Epidaurus at the time of a plague in Rome, and took up his quarters in the Island, whereupon a temple to Aesculapius was founded on that spot.[31] Plutarch [32] records that the Island was called φωνῇ τῇ Λατίνων, Μέση δυοῖν γεφυρῶν, Justin Martyr [33] speaks of a statue of Simon the magician μεταξὺ τῶν δυοῖν γεφυρῶν, Aethicus [34] says that the Tiber 'geminatur et facit insulam regione quartae decimae ubi duos pontes appellantur,' and the Chronographer of 354 [35] repeats a curious tradition that Tarquinius Superbus was killed 'inter duos pontes.' Hence a fragment of the Marble Plan (Jordan, *Forma Urbis*, ix, 42) inscribed 'inte[r] [du]os po[n]tes' is taken as representing some part of the Island. But two questions are raised by this title—first, as to the identity of the bridges, and secondly, whether the 'duos pontes' mentioned in other passages can be the same as those in the foregoing quotations. For example, in 192 B.C. a flood destroyed 'duos pontes,' and Macrobius (quoting from Titius and Lucilius), Horace and the elder Pliny, all mention fish caught in the Tiber 'inter duos pontes' or 'inter pontes.' [36] When the Island is called *inter duos pontes*, the two bridges would most naturally seem to be those which join it to either bank—the Fabricius and the Cestius, or the wooden bridges which may have preceded these. But though the Island lies between these two bridges, to speak of fish caught round the Island as being caught 'inter duos pontes' is an extraordinary use of the phrase, and it may, in these passages, mean a stretch of river between two bridges of the Tiber, which, for lack of knowledge, we cannot definitely identify. The passage from Livy only proves that at least two bridges existed in 192 B.C.

The only bridge of which we have definite mention before that date is the Pons Sublicius, but after the foundation of the Temple of Aesculapius in 291 B.C. it seems almost certain that the Island would be joined to the left bank, and, probably later to the right also, by a wooden bridge. Among these and the Pons Sublicius we can find the two bridges swept away by the flood of 192 B.C. In 179 B.C.[37] M. Fulvius Nobilior, joint censor with M. Aemilius Lepidus, contracted for the placing of 'pilas pontis in Tiberi,' and in 142 B.C.

[31] Livy, *Epit.* xi; Ovid, *Met.* xv, 719 ff.; Val. Max. i, 8. 2; *De vir. ill.* 22.

[32] *Poplicola*, 8.

[33] *Apol. Pr.* 26. Simon is apparently a Christian misunderstanding of the cult of Semo Sancus on the Island. *vide infra*, p. 149.

[34] Aethicus in Pomponius Mela, 716 (ed. Gronovius).

[35] *Mon. Germ.*, Auct. Antiq. ix, 1–143.

[36] Livy, xxxv, 21; Macrobius *Saturn.* iii, 16. 14; Horace *Sat.* ii, 2. 31–34; Pliny, *N.H.* ix, 54.

[37] Livy, xl, 51. 4.

Scipio Africanus and Minucius, censors, had arches built on these piers. The general view is that this bridge, the Pons Aemilius, had a roadway of wooden planks upon the (presumably) stone piers between 179 and 142 B.C., and that it is now represented by the surviving fragment of the Ponte Rotto [38] (Pl. XIX, 1). In 62 B.C. L. Fabricius, curator viarum, built the Pons Fabricius of stone, between the Island and the left bank: it was restored after the flood of 23 B.C. by the consuls Q. Lepidus and M. Lollius, and is still standing with very little structural alteration.[39] Some time between 62 and 27 B.C. a Cestius (Curator Viarum) built a bridge from the Island to the right bank which was restored *circa* 370 A.D. by the Emperors Valentinian I., Valens, and Gratian, as the inscription [40] surviving *in situ* shows (hence its alternative names—Pons Cestius and Gratianus) and was largely remodelled in the 'systematisation' of the Tiber undertaken in the years 1888–1892 (Pl. XIX, 1).

Topographers also differ as to whether the 'Pons Lepidus' of ancient writers is to be identified with the Pons Aemilius, or with the Pons Fabricius of 23 B.C. after the restoration; but if Aethicus [41] can be trusted, it was certainly the former, for he continues 'post iterum ubi unus effectus (sc. Tiberis) per pontem Lepidi, qui nunc abusive a plebe lapideus dicitur, iuxta Forum Boarium transiens adunatur.' Both the position of the bridge and the popular title, which contains a pun on Lepidus combined with an allusion to the fact that it was the first stone bridge, point to the Pons Aemilius. There are thus, at the beginning of the Empire, three stone bridges,[42] and one of wood. Whether the last, the Pons Sublicius, was still in use or merely preserved as an object of religious veneration and for the performance of religious ceremonies connected with the river is doubtful. In any case, it was frequently damaged by flood.[43]

Two more matters remain for consideration—the evidence of pictorial representations of the river, and the relation of Island and bridge to the city-wall.

[38] There has been considerable dispute over the building and the date of this bridge. *Vide* Delbrück (*Hellen. Bauten in Latium*, I. 18–19, 22) and Tenney Frank, *Roman Buildings of the Republic*, 139–141, 'Some time after 12 B.C., according to an inscription [*CIL.* vi, 878] Augustus rebuilt the bridge. In the eastern pier of the Ponte Rotto, which is doubtless the Pons Aemilius, we have some remnants of a Republican structure. . . . All that we can clearly assign to the second century B.C. is the core of the pier.' It collapsed in 1598, hence the name of 'Rotto,' but was rebuilt by Pope Paul V (1605–1621), whose arms are on the surviving fragment. *Vide* Pl. XIX, 1.

[39] It was apparently a haunt of suicides, see Hor. *Sat.* ii, 3. 36:

atque a Fabricio non tristem ponte reverti

The echo in Juvenal, vi, 24:

cum tibi vicinum se praebeat Aemilius pons

has been used as an argument for the identification of the two bridges. But surely suicides are not confined to one bridge on any river? The inscription of Innocent XI (1679) beside the Pons Fabricius tells how he restored '*duos uno in ponte Fabricium et Cestium.*' This is a curious phrase, for the two bridges impinge on the Island at different angles, and are separated by its whole width.

[40] *CIL.* vi, 1, 1175.

[41] *Loc. cit. supra*, p. 143.

[42] *I.e.* one spanning the river and one from each bank to the Island.

[43] Cassius Dio, 37, 58; 50, 8; 53, 33; 55, 22; Tac. *Hist.* i, 86.

The Marble Plan and the Two Medallions

The Marble Plan, though its inception may date back to Vespasian, is probably not older in any of its existing fragments than the time of Septimius Severus and some are certainly fourth century work. But, in spite of chronology, it may be considered here before the two medallions, since the information it affords is negative. Both Lanciani's reconstruction, now left in facsimile on a courtyard wall of the Conservatori Museum, and the partial one of the original fragments in the Antiquarium, place several on the river-bank and the Island, but on none is a bridge shown. The fragment *inter duos pontes* [44] showing some buildings and a colonnade round an open space may with some certainty be placed on the centre of the Island where is now the Piazza San Bartolomeo. But the identification of others is at least doubtful.

The two medallions provide somewhat more evidence, but their meaning has been variously interpreted. A bronze medallion of Antoninus Pius (Pl. XIX, Fig. 3) shows the story of Horatius Cocles. The bridge stands on five piers and has a wide arch; part is already destroyed, and Horatius is swimming towards the Roman bank. The medallist evidently is looking down-stream: no scenery is shown beyond bridge and river, except for a slight indication of land below the piers on each side. He has confined his picture to the simplest elements. The questions of course arise whether the bridge is a copy of the Sublician bridge of the time of Antoninus,[45] and whether this (so often repaired) was a replica of the original bridge. The curve of the arch perhaps suggests stone rather than wood, and (apart from the central pier) the bridge is not unlike the Pons Cestius before its reconstruction forty years ago.[46] The great Danube bridge of the Trajan Column has wooden segmental arches upon stone piers,[47] and the Sublician bridge of the Antonine restoration may have been of this type. But it is almost impossible to decide how far the artist has attempted to copy an actual bridge or how far he has conventionalised his representation.

The other medallion of Antoninus Pius (Pl. XIX, Fig. 2) raises more complicated questions. It shows the arrival of the sacred serpent of Aesculapius in Rome. In the foreground, in or just above the river, reclines the personified river-god [48] and behind him rises some steep and rocky ground, crowned by two buildings, apparently temples, with a tower behind them and a tree. On the left are two lofty arches (the rest of the construction either disappears behind

[44] Jordan, *Forma Urbis Romae*, no. 42.

[45] S.H.A., *Pius*, 8, 'Opera eius haec extant . . . instauratum amphitheatrum, mausoleum Hadriani, templum Agrippae, pons sublicius.' This medallion possibly was struck to commemorate the restoration.

[46] See the illustration in Besnier, *L'île tiberine*, 114.

[47] I. A. Richmond, *Trajan's Army on Trajan's Column*, 32–34 (in *Papers B.S.R.* xiii, 1935).

[48] We may note that the Fasti Amiterni record on December 8th a festival 'Tiberino, in insula.' See also A. W. Van Buren, 'A Medallion of Antoninus Pius,' *J.R.S.* 1911, 195.

the tree or is broken off), from under the first arch appears a ship, and the huge serpent is just leaving the deck and coiling its way up the steep ground. The scene has usually been taken as the arrival of the snake on the actual Island, and the bridge has been variously identified as the Pons Sublicius, the Aemilius,[49] or one or other of the two island bridges, the identification varying with the assumed point of view—up or down stream. But a later theory, observing that the bridge is high out of all proportion to the level of the land and that the Island in 291 B.C. was not covered with buildings, identifies the arches with the Navalia, the dockyards near the Campus Martius, and the temple-crowned land with the Aventine.[50] This interpretation, however, seems to blunt the point of the commemorative medal—(the scene of the serpent's arrival on the Island of the Tiber with the Island not shown! Why then show the serpent?)—and to impose laws of strict perspective and topographical accuracy which, as Professor A. W. Van Buren observes, are a 'pronounced anachronism' in the case of ancient art.[51] But though we may safely take the land to represent the Island, we cannot safely identify the arched construction—even though the only bridge existing in 291 B.C. was, probably, the Pons Sublicius.

The Sublician Bridge, the Island and the City-Wall

Topographers have varied widely in the position they give to the Pons Sublicius. But it has generally been assumed that a bridge touching any part of the Island would reach the left bank outside the city-wall, probably not far from the Porta Flumentana. Yet the portion of the Republican City-Wall (leaving 'Servian' constructions out of consideration) about which we have least information is precisely that which lies between the Porta Carmentalis near the Capitol and the Porta Trigemina near the Aventine. No certain remains exist, and there is little literary evidence. Tacitus, in the *Annals*, xii, 24, as Furneaux, commenting on the passage points out, is tracing the line of the *pomerium* not of the Wall, and he 'is wholly silent as to the line of the *pomerium* from the forum to the starting-point [the Forum Boarium]. Ampère thinks the marshy character of the ground prevented the line from being accurately laid down in that quarter in ancient times.'

But the recent investigations of Dr. von Gerkan,[52] and the still more exhaustive researches of Dr. Saeflund,[53] lead these distinguished archaeologists to reject the view that the Republican Wall of the fourth century B.C., or

[49] The Pons Aemilius was, of course, in historical fact not built at the time of the arrival of the serpent.

[50] Huelsen and Dressel, supported by Bernhart (*op. cit.* Text, p. 138); see the references there given.

[51] A. W. van Buren, 'A Medallion of Antoninus Pius,' *J.R.S.* 1911, 187–195—a very careful summary of the arguments, which decides in favour of the Island view; *cf.* Bernhart, *Handbuch zur Münzkunde d. röm. Kaiserzeit, Textband* 138.

[52] *R. Mitt.* xlvi, 1931, 153–188.

[53] *Le Mura di Roma Repubblicana*, 1932, esp. 176–188.

even branches from the main wall, ran down to the Tiber; and both, though they differ as to the exact line of route, take it across the low-lying land between the Palatine and the Capitol.[54] Their main thesis, that even the earliest fragments of the so-called 'Servian' Wall can be dated, by the building material and other considerations, to the period just after the Gallic invasion, and that the only remains of fortification which can be assigned to the sixth century B.C. are those of the earthwork or *agger* on the Viminal (part of which is well shown near the railway station) has won wide acceptance. The further conclusion that there was no general city-wall in early Rome, but fortifications protecting the separate hills, is based on arguments topographical, strategical, or drawn from literary sources, some of undoubted weight and others less convincing. Yet Livy and Dionysius accepted the tradition of a city-wall (*muro lapideo*)[55] planned by earlier kings and included by Servius Tullius in his scheme of defence, 'aggere et fossis et *muro* circumdat urbem,'[56] and we cannot assert that they supposed this wall to have followed the exact course of the fourth-century wall between Capitol and Aventine. Indeed, it is probable that at the close of the first century B.C. even the line of the fourth-century wall was hard to trace in this sector. Here, if anywhere, it justified Dionysius' description, δυσεύρετον . . . διὰ τὰς περιλαμβανούσας αὐτὸ πολλαχόθεν οἰκήσεις, ἴχνη δέ τινα φυλάττον κατὰ πολλοὺς τόπους τῆς ἀρχαίας κατασκευῆς.[57]

Thus the relation of wall to bridge is too doubtful for any sure inference to be drawn. Meyerhofer's view that 'für den Sublicius keine Stelle sonst übrig bleibt als das untere Ende des Insel'[58] puts the bridge in a plausible position, since the Aemilius, which took the place of the Sublicius as a bridge for traffic on this route, is near the lower end of the Island and it would naturally be as near as possible to the Sublicius and to the line of road of which it formed a part.[59] But other objections have been brought against this view. It has been held that the Sublician Bridge crossed the river near the Aventine and the Porta Trigemina. Under the later Empire a bridge did cross the river here, called first Pons Probi (after the Emperor Probus, A.D. 276–282) and later Pons Theodosii, being apparently rebuilt by that Emperor *c.* A.D. 387. 'It was probably a new construction of the Emperor Probus . . . (it) was partially destroyed in the eleventh century and almost entirely in 1484. The last traces of its pieces were removed from the bed of the river in 1878.'[60]

[54] Dr. von Gerkan shows the suggestions of earlier archaeologists, *op. cit.* 157, Abb. 1—an elaborate plan giving five different positions for this line of wall. His own view is shown in the plan Abb. 7, p. 179, and that of Dr. Saeflund in the 'Pianta Generale' which forms the frontispiece to his book. Both place the Sublician bridge just below the later Aemilian.

[55] Livy, i, cc. 36. 1; 38. 6.

[56] Livy, i, c. 45. 3.

[57] iv, 13.

[58] *Die Brücken in alten Rom* (Erlangen, 1884), 36.

[59] *Cf.* Livy, v, 40. via quae sublicio ponte ducit ad Ianiculum.

[60] Platner-Ashby, *Top. Dict. s.v.* 'Pons Probi.'

The fragments of a bridge in approximately this position are shown in a number of sixteenth-century plans of Rome, and are in each case called Pons Sublicius [61]—a title transferred to the new Aventine bridge of 1918. If there were any likelihood that this title rested on tradition, it might carry some weight as an identification, but the methods by which classical sites were named in mediaeval and Renaissance times were notoriously light-hearted, and an age which could find the gates of the Servian Wall in the circuits of Aurelian is not likely to have been meticulously accurate about bridges.[62]

The confusion of the Sublician and Aemilian bridges, which dates from a much earlier period than this identification with the Aventine bridge,[63] suggests that the two were adjacent, and that the Sublician was considerably higher up the river than an Aventine bridge. Also the sentence of Livy,[64] 'via quae sublicio ponte ducit ad Janiculum,' apparently refers to the main track leading over the Janiculum, the later Via Aurelia, which started on the right bank from the neighbourhood of the Aemilian bridge.

The other more serious difficulty has been hinted at near the beginning of this paper. It seems as if the most natural position for an early bridge would be across the Island, preferably at its southern end. Yet throughout ancient literature the Sublician bridge and the Island are never mentioned in connection with one another. No wonder that Jordan after his statement of the arguments for an Island-bridge confesses that this silence is a fact 'welche ich mit dieser Annahme nicht vollständig zu reimen weiss,'[65] although he does not consider it sufficient to vitiate his conclusions. To state the problem from a different angle—the Island would form a natural pier for the bridge, provided that the Island at the time could be used for such a purpose. Both Livy and Dionysius say, in effect, 'No, it could not be so used for it did not then exist.' It must, however, have existed in physical fact. But yet, apart from this legend of its origin, we have no evidence in Latin literature that it existed at all until the year 291 B.C., when the cult of Aesculapius was introduced upon it. This silence is as perplexing as the other. Is it possible that the two are in any way connected? If the Sublician bridge avoided the Island—its natural route—did it do so because for some reason the Island could not be used?

Ovid and the Fasti Praenestini inform us that there was upon the Island a

[61] The identification seems to date from the latest (fifteenth century) *Mirabilia* (Anonym. Magliabecchianus), see Urlichs, *Codex Urbis Romae*, 158: 'Pons Sulpitius id est pons in Aventino juxta ripam Romaeam ruptus est et marmoreus et Horatii Coclis, ut in historiis patet.' For the plans, *cf.* Bufalini, 1551; Lici, 1557; Cartaro, 1575, 1576; Van Elbst, 1597; Anonima, 1600.

[62] *E.g.* a fourteenth-century *Mirabilia*, Urlichs, *op. cit.* 143. 'Porta Carmentalis quae est a dextro monte Jani dicitur hodie porta sci Pancratii,' and *Bull-Com.* 1914, 79 (from a sixteenth-century MS.). 'Porta Flumentana ad ripam Tiberis e regione murorum quos Ancus in Janiculo extruxerat. Nunc alibi sita: dicitur porta Populi.'

[63] *Supra*, pp. 137, n. 4, and 144, and *infra*, p. 151.

[64] v, 40.

[65] Jordan, *Topog.* i, 405.

cult of Vediovis. From all we know of this cult, it was ancient and primitive—the other sanctuary of the god was *inter duos lucos* on the Capitol, the spot where Romulus founded the Asylum. From Cicero and Ovid [66] onwards, antiquarians and mythologists have found Vediovis a perplexing and mysterious god, but the most authoritative view seems to be that he was a 'bad Jove,' a god of war and thunder, a manifestation of Jupiter's more terrifying aspects, and possibly [67] 'the Jupiter of the lower world.' According to Macrobius,[68] Vediovis was mentioned with Dis Pater and the Manes in the formula by which a Roman general invoked destruction on the enemy. A goat was sacrificed to him *humano ritu*,[69] and though we know from Ovid [70] and others that Vediovis was represented as a youth holding arrows, and therefore sometimes identified with Apollo, the sinister and destructive aspect of the god is more often stressed. There is a significant passage in Ammianus Marcellinus (xvii, 10. 2). Severus, he writes, 'Contemptus videbatur et timidus mortem fortasse metuens adventantem, ut in Tageticis libris legitur Veiovis fulmine mox tangendos adeo hebetare ut nec tonitrum nec maiores aliquos possint audire fragores.' [71]

Tages, we know from various sources,[72] was an Etruscan quasi-divinity and prophet. His prophecies, and the lore of the haruspices which he taught, were written down and preserved by the Etruscans. The connection between Vediovis and thunder is natural if he is a manifestation of one aspect of Jupiter, and it is interesting to note the existence on the Island of another cult connected with lightning. An inscription (forming a statue-base) has been found recording an offering to 'Semo Sancus Deus (sic) Fidius' by a member of a company of Bidental Priests.[73] A place struck by lightning, at which an expiatory sacrifice of two-year-old sheep was offered, was known as *Bidental*, and from other inscriptions we find that the cult of Semo Sancus on the Quirinal was also connected with Bidental Priests.[74] The fragment of a mosaic inscription of Jupiter Jurarius found on the Island may also be connected with the cult, if Semo Sancus = Dius Fidius = Ζεὺς Πίστιος (as in Dionysius Halicarnassus) = Jupiter Jurarius.[75]

[66] Cic. *De nat. deor.* iii, 24, 62; Ovid, *Fasti*, i, 292; iii, 429–449, and Frazer's notes *in loc.* Veiovis is a later form of the name.

[67] Wissowa in Roscher Lexikon *s.v.* 'Vedjovis,' and in *Religion u. Kultur der Römen* (2nd edit.), 236–238.

[68] *Saturn.* iii, 9, 10.

[69] Aulus Gellius, v, 12. 12—presumably as a substitute for an earlier human sacrifice.

[70] *Fasti*, iii, 437 ff. (where Ovid denies any connection of Vediovis with thunder).

[71] The reading Veiovis is found in the early printed edition of Gelonius who had before him the important Codex M (Hersfeldius), now lost. The existing MSS. reading Vegonicis, emended to <vel> Vegonicis, is explained as referring to a nymph Begoe (or Vegoe), who, according to Servius in *Aen.* vi. 72 'artem scripserat fulguritarum apud Tuscos.'

[72] Collected in Roscher *Lexikon* and Paul. Wiss. both *s.v.* 'Tages.'

[73] *ILS* 3474. Such an inscription is probably the origin of Justin Martyr's tale of Simon the Magician. *Supra*, p. 143.

[74] See Besnier, *op. cit.* 279–282.

[75] This inscription was dedicated by a haruspex. *ILS* 3038; *cf.* Huelsen-Jordan, *Topog.* ii, 636.

The passages of Livy which refer to the vowing in 200 B.C. and the dedication in 194 B.C. of a temple of Jupiter on the Island are confused and doubtful.[76] Besnier argues from them and from Ovid, *Fasti*, i, 289–294, that Vediovis was not connected with the Island until the building of the temple,[77] but it seems against all probability that the cult of so primitive a deity should have been first established on the Island nearly a hundred years after the immigration of Aesculapius, especially as Vediovis was worshipped on the Capitol in earlier times, and yet apparently had no temple till the second century B.C.

There is a remarkable passage in *Aeneid* VIII (347–354), usually taken as a prophetic reference to Jupiter Capitolinus—'a noble forecast of the greatest of Roman worships.' [78]

As Evander leads his guest Aeneas over the site of later Rome.

> Hinc ad Tarpeiam sedem et Capitolia ducit
> Aurea nunc, olim silvestribus horrida dumis.
> Iam tum religio pavidos terrebat agrestis
> Dira loci, iam tum silvam saxumque tremebant.
> 'Hoc nemus, hunc,' inquit 'frondoso vertice collem
> (Quis deus incertum est) habitat deus; Arcades ipsum
> Credunt se vidisse Iovem cum saepe nigrantem
> Aegida concuteret dextra, nimbosque cieret.'

Without denying the reference to Jupiter, it is at least possible that (as so often in Vergil) the passage is a complex one and contains the thought of an older cult on the Capitol of the sinister god of thunder and war. Mommsen and Jordan, while agreeing that the cult of Vediovis on the Island was ancient, think that its existence proves that the Island was part of the early defence system of Rome and must have been linked to the city by a bridge. For, they say, Vediovis was a god of war and dwelt also on the Capitol, the military stronghold of later Rome. But, on the other hand, there the site of the cult was close to the Asylum of Romulus, and possibly it was that very association which made the latter a sanctuary for the refugees and outlaws, whither their enemies would not venture to follow them.[79] If so, then perhaps the other haunt of Vediovis—the Island—was also desolate and sacrosanct, a place not

[76] In Livy, xxxi, 21. 12, L. Furius Purpurio in 200 B.C. in a battle against the Cisalpine Gauls 'aedem deo Iovi vovit'; in xxxiv, 53. 7, in 194 B.C. 'in insula Iovis aedem C. Servilius duumvir dedicavit: vota erat sex annis ante Gallico bello ab L. Furio Purpurione'; in xxxv, 41. 8, 'Aedes duae Iovi eo anno (192 B.C.) in Capitolio dedicatae sunt. Voverat L. Furius Purpurio praetor Gallico bello unam: alteram consul. . . .' All these passages have been emended. *deo Iovi* to *Vediovi*, *Iovis* to *Vediovis*, and *duae Iovi* to *Vediovi*, and the emendations have been accepted by many scholars. See Platner-Ashby, *Top. Dict. s.v.* 'Veiovis Aedes' (3), and reference there given.

[77] *Fasti*, i, 293–294:

> Iupiter in parte est: cepit locus unus utrumque
> Iunctaque sunt magno templa nepotis avo,

does not, however, prove that the cult of Aesculapius was the earlier.

[78] Warde Fowler, *Aeneas at the Site of Rome*, 174.

[79] A fragment of a terracotta antefix, found in 1880 in the bed of the Tiber near the Island, has been attributed to the fifth century B.C. and taken as evidence for an early temple, possibly of Vediovis. See E. Van Buren, *J.R.S.* 1914, p. 18, and *Fictile Terracotta Revetments*, 24. *Not. Scavi*, 1880, 54 and 229; 1896, 30 and fig. 13. Helbig. *Führer*, ii (1913), 206. But as nothing of a similar character or of so early a date has been found on the Island itself it seems somewhat bold to postulate a complete temple from a single fragmentary antefix, which may even have dropped from a passing boat-load.

to be put to secular uses, where the Etruscan enemy (also well aware of the character of the god) would not venture to tread. It is tempting to suppose that the sites of the worship, both on Capitol and Island, were where lightning had struck and the area had thus become sacred to Vediovis.[80]

We may note here that another temple (vowed in 196 B.C., dedicated in 194) on the Island was that of Faunus, also originally a primitive and mysterious deity of the wild and the forest.[81] Although some scholars write of this dedication as the introduction of the worship to the Island, may it not be that both Faunus and Vediovis were early inhabitants, and that these temples were propitiatory dedications after the settlement of Aesculapius in their territory and its transition from waste land to civilisation?

If the first bridge were not built to rest upon the Island, the cult of Vediovis may furnish the reason why it was avoided, and it may also explain the impression caused by the arrival of the Serpent of Aesculapius. If the god of healing chose to reside on the Island, the 'taboo,' as one might call it, was lifted, temples could be built not only for the immigrant but for Vediovis himself, who soon was almost identified with the more powerful Jupiter.[82] Bridges linked the Island with city and country, and it began to play its part in the life of Rome. Even if, on this hypothesis, the Sublician bridge has no actual contact with the Island, it must have crossed the Tiber just between it and the site of the later Pons Aemilius, or, less probably, just below that site. Its close neighbourhood to the Pons Aemilius may explain the last clause of the Servian comment quoted on p. 140, n. 17. If when the words were written the Sublician bridge had disappeared, and the Aemilian were left, it would be natural to confuse the *ligneus* and the *lapideus*. Mommsen,[83] who suggests this explanation, adds that in the fifth century A.D. the *pontifices* whose duty it was to care for the bridge had disappeared, and the religion which made it sacred had yielded to the new faith—two good reasons to assume the disappearance of the bridge itself, since its secular use as a bridge had long been taken over by the Aemilian. Thus the bridge which tradition associated with the early days of the city vanishes as the Western Empire itself decays.

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[80] Frazer, *Fasti*, iii, 102, reverses this argument, making Vediovis a primitive policeman. 'If we accept the view of the sinister character of Vediovis we can perhaps better understand why he was specially chosen to preside over the Asylum . . . it might be thought desirable to curb by superstitious terrors the ruffians who had no fear of the law.'

[81] Livy, xxxiii, 42. 10; xxxiv, 53. 14; Ovid, *Fasti*, ii, 193.

[82] The word 'taboo' is also used by F. Tamborini in an article ('La vita economica nella Roma degli ultimi Re,' *Athenaeum*, N.S. VIII (1930), 299–328, 452–487), to which my attention was called after this paper was written. She accepts the existence of an archaic temple with Tiberinus as its deity, and suggests, as a reason for the absence of the Island from the history of Rome between 509 and 291 B.C., that the sanctuary of the river-god may have been protected ('difesa da un tabu') from any approach except by boat. She does not suggest any date or reason for the lifting of the taboo, although the arrival of the serpent would be as appropriate a moment in her theory as in mine.

[83] *Bericht. d. Sächs. Ges. d. Wiss.* 1850, Epigraphische Analekten, 322.

STUDIES IN THE SOCIAL AND ECONOMIC HISTORY OF OSTIA

PART II

I. i.

THE first of these Studies * was concerned chiefly with the history of Ostia during the period when the city was still growing and its prosperity increasing. Even so, during the period already considered, the prosperity of Ostia, though real, was to this extent artificial, in that it depended upon factors over which the citizens themselves had no control. Ostia was the port of Rome, and nothing else, and in consequence any lowering of the standard of living in, or reduction of imports into the capital city must have had immediate and marked repercussions upon her prosperity. She even lacked to a great extent those reserves of wealth which in other cities might be drawn upon to tide over bad times. The typical citizen of Ostia came to the city in the hope of making his fortune there; but when he had made it, he usually preferred to retire to some more pleasant town, such as Tibur, Tusculum, Velitrae, or Rome itself,[1] where he could enjoy his leisure. Few families seem to have remained in the city for more than two, or, at the most, three generations.[2] Whilst therefore fortunes were made in Ostia, wealth was not accumulated there.

The first hint of the decline which was to come is to be found perhaps in the sentence of the inscription of the elder Gamala which reads 'propterea quod cum res publica praedia sua venderet ob pollicitationem belli navalis HS XVCC rei publicae donavit.'[3] Despite the theories of certain scholars who have attempted to date this inscription to the first century A.D., it appears almost certain that the reference is either to the campaign of Marcus Aurelius against the Marcomanni, or to the operations of that Emperor against the Costoboci, or to the projected expedition of Commodus against the Moors.

* 'Studies in the Social and Economic History of Ostia: Part I,' in *Papers of the British School at Rome*, xiii, 41–68.

[1] *Op. cit.*, 59–60.

[2] The exceptions were the P. Lucilii and the C. Nasennii, and possibly also the M. Acilii and the Egrilii. It is not certain, however, that the two latter families did not live in Rome during the second century, even though some connexion with the colony, perhaps an estate in its neighbourhood, is indicated by the fact that *tituli* of many of their freedmen and of their descendants have survived.

[3] *CIL* xiv, 375. (During the remainder of this paper inscriptions in *CIL* xiv will be referred to by number alone.)

Whichever of these is the *bellum navale* referred to, it is significant that, at a date as early as the last half of the second century of the Christian era, the sale of the estates belonging to the city was being seriously considered, and was prevented only by the intervention of public-spirited benefactors. The local exchequer, like the imperial treasury, must at this period have been in a position of considerable embarrassment.

It might be suggested, however, that this should not necessarily be taken to imply that the city itself was now becoming impoverished; that, in fact, the citizens, whilst still being on the whole men of wealth, might not have felt inclined to submit to additional emergency taxation, but might have preferred to defray the cost of their contribution to the fleet by the sale of public estates. It is indeed certain that a number of wealthy men, such as the P. Aufidii, the T. Antistii, the M. Cornelii and the C. Nasennii, still continued to reside in Ostia. But it is also significant that in the year 182 a *sevir Augustalis* named P. Horatius Chryseros, in whose honour a statue had been erected by the *Augustales*, presented a dole of five *denarii* apiece to *Augustales* and *decuriones* alike.[4] This is the first example on record of a dole to the *decuriones* of Ostia, but others appear to have followed at not infrequent intervals.[5] It can no longer be maintained that the *decuriones* as a class were now wealthy.

Nor does it appear probable that the embarrassment of the exchequer was the result of a sudden demand for money for one particular purpose, and was therefore merely temporary. It has already been seen that it was not customary after the age of Trajan for citizens to hold any municipal office more than once.[6] The only known exception to this rule is P. Aufidius Fortis senior,[7] who in the year 173 was probably *curator* of some unknown college, and who before his death held the office of *quaestor aerari* no less than five times. Both the date at which Aufidius lived and the office which he held so often are particularly suggestive;[8] when times were difficult custom was evidently neglected, and a man who had proved himself capable and perhaps generous in the past was appointed repeatedly chancellor of the exchequer. Furthermore, new special offices seem to have come into existence,[9] the very names of which, *curator pecuniae publicae exigendae et adtribuendae*, *curator tabularum et librorum*, and *curator operum publicorum et aquarum*, suggest that it was found necessary to overhaul the finances of the city. No mere temporary financial stringency, the roots of which were not deep-seated, could have necessitated these appoint-

[4] 367.
[5] *Cf.* 325, 352, 431.
[6] *Papers of the British School at Rome*, xiii, 61.
[7] 459. No cognomen is given, and it is therefore possible, if improbable, that the *curator* in question was not Aufidius Fortis himself, but a freedman of his, or even another member of his family.
[8] 4621; *cf.* 303, etc.
[9] 375, 376, 172 (add).

ments. They are rather a sign that the long period of prosperity was drawing to a close. How serious were the effects of the financial crisis, and how rapid the decline of the city, once it had commenced, will be considered in a later section.

I. ii.

In the meantime fresh changes in the organisation of the order of *Augustales* require discussion. It has already been seen [10] that at an earlier period, perhaps during the Principate of Domitian, one reorganisation took place, though little can be said about its nature, save that the members of this order came to be known as *seviri Augustales* instead of *Augustales* simply. Now, however, important changes take place, involving the creation of a new hierarchy of offices.

The main evidence for these consists of the fragments of the *alba* [11] of the *Augustales*, found in the so-called *Curia*, which give the names of the holders of an office abbreviated to *q.q.d.d.*, of *curatores*, of *quinquennales*, and of *electi*. Even though the lists of *curatores* without exception seem to have been erected separately from those of the other officials, it is not difficult to prove that the offices were held in the order named above. The number of the holders of each of the two lower offices at any given time varied; thus in the year 208 A.D. there were fourteen officials styled *q.q.d.d.*, in 216 only three, and in 226 eleven, whilst in 193 there were eight *curatores*, in 201 five, and in 239 four. Appointments to the former post seem to have been made every alternate year, to the latter every year; it was thus necessary to inscribe the names of the *curatores* in separate *alba* from those of the other officials, for both *quinquennales* and *electi* were appointed biennially, in the same years as the officials known as *q.q.d.d.* The number of *quinquennales* remained constant, four being elected together in alternate years, but the number of *electi* was variable; twice we hear of three being appointed together, three times of a single appointment being made, whilst in no less than four years when an appointment was due none was made.

The letters *q.q.d.d.* have been interpreted in various ways. The alternatives *q(uin)q(uennales) d(ecreto) d(ecurionum)* and *q(uin)q(uennales) d(omus) d(ivinae)* appear, however, to be ruled out, the former because there is no evidence at all from *tituli* that there existed more than one method of appointment to the office of *quinquennalis*, or indeed that the *decuriones* were ever concerned in the appointment of those officials, the latter because of the lack of evidence for the existence of separate officials in Ostia responsible for the

[10] *Papers of the British School at Rome*, xiii, 52–3. [11] 4560–4563.

observance of the cult of the *domus divina* as opposed to that of the emperors themselves. The third possible alternative is *q(uin)q(uennalis) d(ono) d(ato)*. Now, after the year 180 there is a great increase in the use in *tituli* of the phrase *sevir Augustalis idem* (or *item*) *quinquennalis*.[12] Previous to that year, in fact, only a single datable inscription uses this formula, or indeed mentions at all the office of *quinquennalis*, whereas after that year this office is mentioned in no less than eleven inscriptions,[13] and no *sevir Augustalis* is heard of who does not also hold the office of *quinquennalis*. Yet only four *quinquennales* were appointed biennially, and it would be a most remarkable coincidence if the *tituli* survived only of those *seviri Augustales* who really did proceed to the post which in the *alba* is called *quinquennalis*. It is moreover inconceivable that, if they had really proceeded to this post, all save three should have neglected in their *tituli* to state that they had been *curatores*, an office which preceded that of *quinquennales* in the *cursus*, and which, therefore, they must already have held. There can be little doubt that in most cases the office styled *quinquennalis* in *tituli* corresponds to that styled *q.q.d.d.* in the *alba*.[14] If this be so, then it is most probable that, whilst four men of special eminence—in practice men who had already held the rank of *curator*—were appointed biennially to carry out the duties which were attached to the office, others in addition who paid a *summa honoraria* were created honorary *quinquennales*, *q(uin)q(uennales) d(ono) d(ato)* in fact, and that these latter omit for obvious reasons to state in their *tituli* that their office was purely honorary. There is no other evidence that such a *summa honoraria* was demanded from all *quinquennales*; it is, however, certain that such a fee was expected on appointment from most Ostian officials of any kind, and that the *curatores* of the *Augustales* paid the fixed sum of 10,000 sesterces.[15]

This interpretation will explain also the other difficulty connected with the *alba*, which lies in the fact that the number of appointments made to all offices except that of *quinquennalis* proper varied from year to year. All, with this one exception, were probably honorary, the number of appointments made depending upon the number of men who were willing to pay the *summa honoraria*. The number of those who were willing to pay would certainly vary, and it requires no very great effort of the imagination to believe

[12] Eight *tituli* of this period are datable; in three (5322, 4617, 299) the member of the order is styled *Augustalis*, in three (4486a, 5328, 297) *sevir Augustalis*, in one (8) *curator Augustalium*, and in one (33) the phrase *sevir Aug(ustalis) id(em) q(uin)q(uennalis)* is used.

[13] 367; 333; 421; 396; 4671; 380; 418; 330; 305; 360; 361. The two last are datable approximately by the fact that they are of the period of the *fasti*.

[14] Perhaps in only one titulus of the period is the reference to the office of quinquennalis proper. This is 305 (A.D. 239) in which the phrase used is *sevir Augustalis curator et quinquennalis*, the order in which the offices are named probably being intended to emphasise the fact that he was *quinquennalis* proper. In two other inscriptions (421; 396) the phrase used is *sevir Augustalis idem quinquennalis et curator*.

[15] 4560.

that few who were willing to pay would be refused an honour. Even the fact that twice in the *album* of the year 208 A.D. the letters *d.d.* after the name of a *quinquennalis* of the lower grade were deliberately omitted becomes explicable; they may well have obtained their offices in the same way as C. Granius Maturus obtained the decurionate, *gratis ob munificentiam eius.*[16]

It would be interesting to know who benefited by this conversion of the order of *Augustales* into a vast money-making machine. Perhaps continued excavation will provide an answer. In the meantime our only clue lies in the date of the reorganisation. The last *sevir Augustalis* who is known not to have proceeded to the office of *quinquennalis* dates from the year 179,[17] whilst the series of those who use the formula *sevir Augustalis idem quinquennalis* commences in 182.[18] The reorganisation thus appears to have taken place at the very time when the financial crisis was at its height, and when the prosperity of Ostia was on the wane. It would be most important if it could be proved that the payments made by the *Augustales* passed, either in part or in whole, into either the local or the imperial exchequer.

I. iii.

Despite the financial crisis, one further important development does appear to have taken place during the last quarter of the second century. It has already been stated that much of what is now visible at Porto and is commonly described as the work of Trajan does not in reality date from the age of Trajan at all, but from a later period. The standard brick in use during the last decades of the first and the first part of the second centuries A.D. was a red, or occasionally yellow, broken roof-tile, easily recognisable, usually under Trajan averaging 3·6 cm. and never less than 3·3 cm. in width; this is found almost without exception in buildings throughout Latium, such as the Market of Trajan at Rome, which can be proved to be Trajanic. At Porto it was used in a certain number of buildings, already referred to, and there can be no doubt as to the date of these. But in other buildings at Porto another type of brick occurs, a red or yellow cut *bipedalis* averaging about 2·9 to 3·1 cm. in width, such as elsewhere is found only in buildings of the period of Commodus or Septimius Severus. At first sight it might appear possible that these thinner bricks found at Porto are really contemporaneous with the thicker, being perhaps an experimental type of brick tested on this site alone and then discarded for nearly a century. This is, however, in reality extremely improbable, for, with two exceptions, the two types are never found in the

[16] 362–4.
[17] 297.
[18] 367.

same building. These two exceptions, moreover, themselves serve to prove the difference of date, for in the one case [19] the thinner bricks were obviously used to reface a wall constructed at an earlier period, and faced originally with the thicker, whilst in the other [20] the sections of wall faced with the thinner are a later addition, made to fill in the spaces between piers. Granted therefore that the two types of facing were not contemporaneous, there is no reason to disbelieve that they were used at quite different periods; that in fact the thinner bricks here, as elsewhere, date from the age of Commodus or Septimius.

There can be little doubt that this building activity was inspired, organised, and paid for by the imperial government. The three new buildings whose purpose can be identified were all extremely large *horrea*, whilst that which was constructed under Trajan, and later refaced, served a similar purpose, but was of a smaller size. At Ostia itself, moreover, it can be seen upon close examination that all the fully excavated *horrea*, and also, so far as can be seen, both of those which have only been excavated in part, were kept in a state of repair down to the period of Commodus or Septimius, but, with the single exception of the Large Horrea, show no sign of having been repaired after that time; even in the Large Horrea the later alterations, which probably date from the middle or from the latter half of the third century, are of such a nature as to show that the building was no longer used for its original purpose.[21] It therefore seems reasonable to infer that the imperial government, alarmed at the frequency with which famine occurred in Rome, determined once and for all to obviate this peril, bringing into a state of repair those *horrea* which were already in existence, and in addition constructing extensive new ones. If new *horrea* were to be constructed, it would be quite logical to construct them in the neighbouring towns, and especially in the sea-port, rather than in the capital city itself, for experience had shown that a single fire might wipe out of existence large areas of a city in a very short space of time. If the stocks of corn were kept scattered, fire could no longer become a cause of famine.

It is not improbable that this building activity formed part of a concerted scheme for the reorganisation of the *annona*, commenced perhaps during the Principate of Commodus and completed under Septimius. The literary authorities for the period are poor, but it is expressly stated in the Life of Commodus that he reorganised the African corn fleet on the lines of the Alexandrian,[22] whilst we are further told that Pertinax [23] interested himself

[19] In the small *horrea* at the south-eastern corner of the so-called *Darsena*.
[20] At the Porta Marina.
[21] Water tanks were inserted.
[22] *Vit. Comm.* 17. 7.
[23] *Vit. Pertin.* 7. 6.

greatly in the problems of the corn supply, and that on the death of Septimius Severus [24] sufficient corn was stored in the *horrea* to feed Rome for seven years. It is significant, moreover, that from this very period the *praefectus annonae* loses much of his importance, becoming now a comparatively minor official, many of his former duties having been taken over by the praetorian praefect.

It must be admitted, however, that, so far as Ostia was concerned, the building of the new *horrea* proved a complete failure, and even served to hasten the decline. If these *horrea*, together with the old ones, were to be kept filled, considerable foresight would have been necessary on the part of the imperial government. Few of the emperors who succeeded Septimius possessed this foresight; long vision, indeed, was not to be expected at a time when the Principate was changing hands every few years. The result was that, whilst the new *horrea* seem to have continued in use, the older ones were allowed to fall into disrepair. The disastrous consequences of this for Ostia, if not for Porto, will be discussed in the next sections.

II.

When Claudius and Trajan constructed their harbours at Porto neither appears to have had the slightest intention of founding a new town which might in time become a rival to Ostia as the chief port of Rome. It was, however, inevitable that commercial buildings and houses should be put around these harbours, and, as time passed, Porto became more and more a self-contained community; even during the second century certain of its colleges were organised entirely independently of those in Ostia.[25] The two communities, it is true, were not officially separated before the reign of Constantine; yet during the third century Porto became in fact, if not in name, the port of Rome. The total volume of imports into Rome was probably now diminishing very rapidly; yet there are no signs that the prosperity of Porto was suffering to any great extent. On the other hand, there is every indication that Ostia itself was now seriously on the decline. It is, indeed, only natural that when trade decreased, Ostia should have suffered rather than Porto. The former place possessed no harbour of its own, and ships which put in there were compelled to moor in the river-mouth or out at sea, and to land their cargoes by means of lighters.[26] The Tiber, too, required constant dredging, which in the turmoil of the third century would probably tend to be neglected.

[24] *Vit. Sept.* 23.2.

[25] *E.g.* in A.D. 195 the *fabri navales Portenses* were already separated from the *fabri navales Ostienses* (xiv, 168–9).

[26] Strabo, 5, 3, 5, 231 C.

The extent of the decline is well illustrated by the fact that after the first decades of the third century building activity in Ostia proper came to a complete standstill. It is true that the Round Temple, which stands to the south-east of the Basilica, has been assigned to a very late period, one writer even venturing to assert that it cannot be earlier than Constantine.[27] In the opinion of the present writer, however, such a dating is out of the question. The average width of the joints between the horizontal courses of bricks is no greater than 2·0 to 2·1 cm., whilst in no building in the neighbourhood of Rome which can be proved to date from the post-Severan period does this average appear to be less than 2·5 cm. The bricks, moreover, with which the front façade is faced are typically Severan, whilst the bricks of the interior walls are not unlike those of the walls of the theatre, after its restoration by Septimius, and resemble generally those of an earlier rather than those of a later period.[28] The present writer believes that this temple cannot date from a period later than that of the Severan Emperors,[29] even though it was undoubtedly erected the last of all the buildings yet excavated in Ostia.[30] There was, indeed, no need to construct new buildings. Many of those already in existence appear to have already fallen into disuse. Thus, when during the course of the century it was found necessary to buttress the Baths by the Forum, no hesitation was felt in constructing the buttresses in such a position as to block wholly or partially the doors of four shops.[31] There was no particular need to do this, for alternative positions were available but a few feet away, in which the buttresses would have been equally effective. It is difficult to

[27] Briggs, in *Memoirs of the American Academy*, vol. viii, p. 161. His sole reason for dating the building to this period is his belief, for which there seems no good reason, that it was copied from the Palace of Diocletian at Spalato. Granted certain similarities between the two buildings, it is not impossible that the designs of both were based upon some original which has not survived.

[28] They are of an average width of 3·6 cm. Probably both in this building and in the theatre a consignment of older bricks was used in the inner walls.

[29] Two peculiarities in the building materials of this temple exist, which, however, afford us no clue to its date. (i) The bricks of the interior walls are of a length noticeably shorter than that of the average Roman brick. But length of brick cannot be used as a criterion during this period, or during any period, unless there is reason to believe that old bricks were being re-used. A consignment of short bricks was probably used deliberately, because the temple was round and contained many niches. It is quite certain that bricks were not being re-used. (ii) Two small sections of the podium are faced with tufa blocks from an earlier building, probably the 'House with the Impluvium' (*cf. PBSR* xiii, 47, n. 4), instead of with bricks. This facing is undoubtedly original, and cannot be a later patch. It is, so far as the writer knows, unique, but there appears to be no reason why it should not date from the age of the Severans. It is noticeable that, as was often the case in temples, less care was taken in the construction of the podium walls than in those of the temple proper. A parallel example of the use of old material in the facing of a wall of the Severan period (though in this case in a wall of little importance) is to be found in the so-called Little Market.

[30] The presence of a string-course on the eastern side of the podium adjoining the House with the Atrium proves conclusively that the Temple was earlier than the second period of the House with the Atrium. But the concrete used in the second period of this house is typically Severan.

[31] Viz., two shops on the Street of the Triclinia and two on the unnamed street which led from the continuation of the Street of the Mills to the south of the Decumanus to the side of the Baths by the Forum. The two latter shops were admittedly used again by the Romans at a very late period; but it is certain that they had already collapsed before they were so re-used, since blocks of wall from the upper part of the building were used to repair walls of the lower part. The writer suggests that the collapse was caused by the giving way of the vaulted roof of the adjoining Baths by the Forum which necessitated the construction of the large buttress. In that case these shops had not only passed out of use but were already in ruins at the time when the buttress was built. The facing of the buttress is of good quality, and it probably dates from the first half of the third century.

avoid the conclusion that these shops were no longer in use, even though they stood in a good position, being situated at a distance of not many yards from the forum.

This conclusion is further reinforced by the fact that certain buildings in Ostia were now pulled down by the Romans themselves, without any attempt being made to replace them. The central block of the Large Horrea,[32] it is true, may have been rased merely because *horrea* were no longer needed in Ostia, and the remainder of the building could be adapted to other purposes. Nor is it yet possible to date the destruction of the Portico on the Decumanus.[33] But it appears certain that the upper storeys of the House of Diana,[34] situated though it was in the very centre of the city, were pulled down solely for the reason that they were no longer used. It has been suggested that some of the bricks used in the wall of Porto came from this building, and that the destruction of its upper storeys dates from the age of Constantine; in view, however, of the fact that the series of coins found even on the ground floor comes to an end under the Emperor Probus,[35] it seems more probable that it should in reality be assigned to an earlier period. Coins, moreover, prove that the fire which destroyed the only bakery yet excavated occurred during or soon after the reign of Gallienus.[36] Yet though the fire caused a considerable amount of *débris* to fall upon the Street of the Mills, an important thoroughfare, this *débris* was never removed, a track being beaten over it, so that vehicles were compelled to ascend to the new level on the one side and to descend from it on the other. It is an illuminating commentary on the condition of Ostia at the time, and we need not wonder that a statue is said to have been removed to the forum *ex sordentibus locis*.[37]

The only buildings in Ostia in which extensive repairs are to be found are the theatre,[38] the Square of the Guilds, certain buildings to the west of the city, near the sea-coast, and, apparently, all thermal establishments.[39] Yet even the baths seem to have suffered long periods of neglect. One establishment before it was repaired is described as *deformatas ruinosa labe*,[40] and another as *incuria longi temporis destitutas*.[41]

The very character of the repairs itself often bears witness to the extreme misery and poverty of the times. The Baths by the Forum were in all

[32] *N.S.* 1921, 360.
[33] *N.S.* 1909, 89. No trace of the vaulting of this portico was found when it was excavated.
[34] *Mon. Ant.* xxvi, 1920, 321.
[35] *N.S.* 1914, 252.
[36] *N.S.* 1915, 249.
[37] 4721.
[38] Several of its piers were refaced.
[39] The two thermal establishments near the Porta Marina, the baths of the 'Imperial Palace,' the Baths by the Forum, the Baths on the Decumanus and the Baths of the so-called Magazzini Repubblicani (*vide Papers of the British School at Rome*, xiii, 77–87) all show signs of one or more restorations during the third century. In four of these six establishments the restorations were very extensive.
[40] 134.
[41] 135.

probability always the most luxurious in Ostia; yet during the third century, when the *caldarium* of these was altered, instead of the water being taken away through an ordinary lead pipe, it was thought sufficient to use an open stone drain-pipe, taken probably from some street nearby; whilst in the repairs of the early fourth century a vault which had collapsed was not rebuilt, its broken edges merely being faced with concrete, and a hole being left through which rain could fall.[42] Yet it must be emphasised that the various baths show signs of having been repaired more extensively than any other class of building. If this was their condition before and after repair, what was that of other buildings which show little or no sign of ever being cared for? Probably they were often in a state of collapse, and this may well have been the reason why so many doors and staircases leading to upper storeys were closed during the third century. When Maxentius [43] chose Ostia as the site of his new mint, his choice probably resulted from the fact that buildings in the city stood idle, ready for his purpose.

What life there was now tended to concentrate in the western part of the city, near the sea-shore and away from the business area. Here, both in the region of the so-called Imperial Palace and in the newly excavated area outside the Porta Marina, the various buildings seem to have been well looked after, and probably continued in use down to a very late period. It was perhaps in this district that Aurelian constructed a new 'forum,' [44] about which nothing further is known, save that it later came to be used as a *praetorium*. This had probably always been the residential quarter of the city, where the wealthier classes had lived, was certainly the most salubrious, and would naturally be the last district to be deserted.

In general, however, our conclusion must be that the third century was a period of unmitigated disaster for Ostia. How Porto fared it is less easy to determine, in the absence of systematic excavations. Three considerations, however, appear to suggest that it was still considerably prosperous. In the first place, building activity had not yet stopped; third-century walls are certainly much more numerous here than at Ostia.[45] Secondly, a detachment of the *vigiles* appears to have remained at Porto [46] until a very late period, whilst that at Ostia was withdrawn under Gordian.[47] If it is to be inferred

[42] It is probable that this is the 'restoration' referred to in xiv, 5387, and described as *(omni sple)ndore excultam ad usum populi.*

[43] Maurice, *Numismatique Constantinienne*, pp. 263–289.

[44] SHA. *Aurel.* 45. The hundred columns which the Emperor Tacitus presented to Ostia (SHA. *Tac.* 10) may well have been intended for the adornment of this forum.

[45] Until further excavation has been undertaken it will be impossible to determine how far third-century facing represents new building activity at Porto, how far merely the restoration of existing buildings. In any case it is clear that the various buildings continued in use down to a comparatively late period. Except in the so-called Imperial Palace very little facing of the period of Trajan is to be seen.

[46] 231.

[47] The series of dedications to Emperors and members of the Imperial family found in the *Augusteum* of the barracks of the *vigiles* comes to an end with that of Gordian.

that the commercial importance of Ostia was now considered insufficient to merit the special protection of the *vigiles*, the complementary inference must also be made that Porto still retained sufficient importance for such protection to be necessary. Thirdly, the *horrea* at Porto, as has been stated above, continued in use during this period, whilst those of Ostia fell into disrepair.

Our conclusion must therefore be that when Constantine [48] constituted Porto a separate town, his action was the result and not the cause of the decay of Ostia proper. Ostia in the course of a hundred years had suffered a remarkable change of fortune, solely as a result of economic causes. The city which during the second century had been one of the foremost ports of the world had now become little more than a watering-place and pleasure-resort. By the end of the fourth century Ostia had probably ceased to be even a pleasure-resort, and Rutilius could write with truth:

laevus inaccessis fluvius vitatur arenis,
hospitis Aeneae gloria sola manet.

FREDERICK H. WILSON

[48] The date of the constitution of Porto as a separate town cannot now seriously be questioned. The name 'Portus Romae' is first known to have been used in A.D. 314, whilst one inscription uses the phrase 'Civitas Constantiniana' (xiv, 4449). *Cf.* Paschetto, p. 81.

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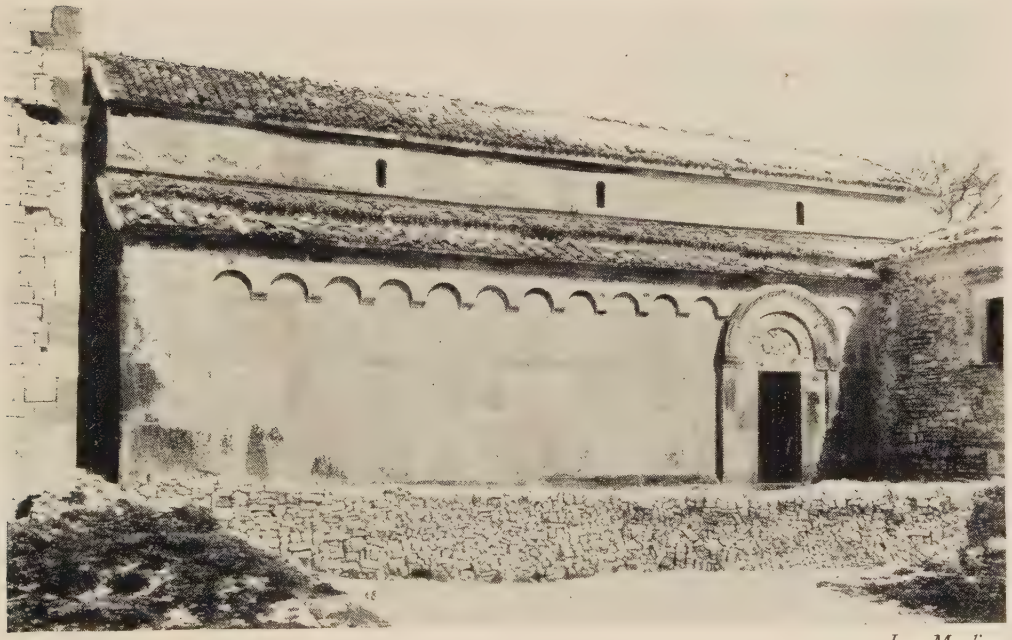
Ing. Romeo Musa, Campobasso

S. Maria della Strada : 1. General View



Ing. Magliano

2. South Side and Door of the Church

Istituto Nazionale LUCE

S. Maria della Strada : The Three Apses of the East End

LUCE

S. Maria della Strada: West Façade and North Side of the Church, with the Corner of the Campanile

LUCE

S. Maria della Strada : Interior

S. Maria della Strada: 1 and 2. Fountain Column

Ing. Romeo Musa

Ing. Romeo Musa

3. Second Capital of the South Arcade

Ing. Romeo Musa

4. Fifth Capital of the North Arcade

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S. Maria della Strada : Fourth Capital of the North Arcade

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S. Maria della Strada : Fifth Capital of the South Arcade

S. Maria della Strada: 1. Fragment of an Ambone

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2. Tomb of Berard of Aquino, Count of Loreto, with Fragment of an Ambone inserted

Ing. Romeo Musa

LUCE

S. Maria della Strada : West Door

Ing. Romeo Musa

S. Maria della Strada: 1. Left-hand Tympanum of the Façade

Ing. Romeo Musa

2. Right-hand Tympanum of the Façade

LUCE

S. Maria della Strada: South Door and Tympanum

AMBONE OF S. MARIA DEL LAGO AT MOSCUFO

D. Anderson

A

B

SELINUS : BUCCHERO (p. 116). *c.* $\frac{1}{2}$

A

B

SELINUS: BUCCHERO (p. 116). *c.* $\frac{1}{2}$

SELINUS : A. PYXIS (no. 5, p. 119). *c.* $\frac{1}{2}$

1 2

B. AMPHORISKOI (p. 121); 1, no. 16; 2, no. 18. *c.* $\frac{2}{3}$

1 2

SELINUS : A. TOMB 55. 1. ARYBALLOS (no. 22, p. 122); 2. PYXIS (no. 9, p. 120).
c. $\frac{2}{3}$

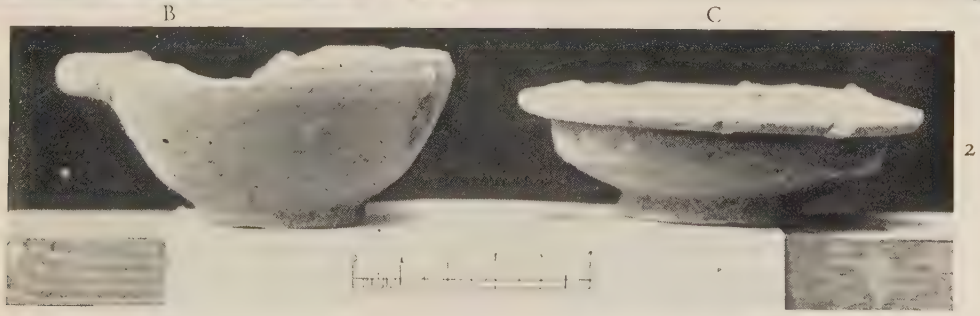
B. TOMB 55. PYXIS (no. 6, p. 119).
c. $\frac{2}{3}$

C. TOMB 27. ALABASTRON (no. 1, p. 124).
c. $\frac{1}{2}$

A

B

C



D

SELINUS: A. MINIATURE OINOCHOAI (1, no. 20; 2, no. 21, p. 122). B. PLASTIC VASE (p. 123). *c.* $\frac{2}{3}$
C. KOTYLAI (nos. 12–14, p. 120 f.). D. 1. KOTYLE (no. 15, p. 121) 2. BOWL (no. 23, p. 122)

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Alinari

1. The Island and the Bridges : Left to Right, Pontes Aemilius, Cestius, Fabricius
(This view was taken before recent works of river defence were carried out)

2. Medallion of Antoninus Pius. $\frac{1}{1}$
(*By courtesy of the Society for the Promotion of Roman Studies*)

3. Medallion of Antoninus Pius. $\frac{1}{1}$
(*By courtesy of the British Museum*)

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